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The Language of Empire

Rome and the Idea of Empire from the
Third Century BC to the Second Century AD

JOHN RICHARDSON



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THE LANGUAGE OF EMPIRE

The Roman Empire has been an object of fascination for the past two millennia, and the story of how a small city in central Italy came to dominate the whole of the Mediterranean basin, most of modern Europe and the lands of Asia Minor and the Middle East has often been told. It has provided the model for European empires from Charlemagne to Queen Victoria and beyond, and it is still the basis of comparison for investigators of modern imperialisms. By an exhaustive investigation of the changing meanings of certain key words and their use in the substantial remains of Roman writings and in the structures of Roman political life, this book seeks to discover what the Romans themselves thought about their imperial power in the centuries in which they conquered the known world and formed the Empire of the first and second centuries AD.

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Century BC to the Second Century AD*

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CAMBRIDGE
UNIVERSITY PRESS

CAMBRIDGE UNIVERSITY PRESS

Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, São Paulo

Cambridge University Press

The Edinburgh Building, Cambridge CB2 8RU, UK

Published in the United States of America by Cambridge University Press, New York

www.cambridge.org

Information on this title: www.cambridge.org/9780521815017

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First published in print format 2008

ISBN-13 978-0-511-46381-5 eBook (EBL)

ISBN-13 978-0-521-81501-7 hardback

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Preface

The process which has resulted in this book began many decades ago when, as an undergraduate student, I found myself asking the question, ‘What did the Romans think they were doing when they created the Roman Empire?’ For many years this question lurked in the background of my thoughts as I worked on Roman history more generally and on Roman Spain in particular, not least because it was not clear to me how such a question might be answered. What follows is, I hope, if not an answer, at least a contribution towards one. It emerged not least from a remark made in passing by Fergus Millar, that to understand what *imperium* meant it would be necessary to read the whole of Latin literature. I have not quite done that, but the development of accessible digital texts has made possible the next best thing, the scanning of large quantities of texts to discover the passages in which both *imperium* and its stablemate, *provincia*, appeared. I should give due recognition to the Packard Humanities Institute and the *Thesaurus Linguae Graecae* project of the University of California, without whose excellent productions the work of this book would have taken several lifetimes. I also mention, *honoris causa*, two pieces of software which have been indispensable: the search program Musaios, developed since 1992 by Darl J. Dumont and Randall M. Smith; and the database program, Idealist. These two enabled me to assemble a database of several thousands of passages from ancient authors, which were further analysed with the help of an Excel spreadsheet. This made possible a fuller and more contextualised examination of the words I was investigating than those to be found in such excellent lexica as the *Thesaurus Linguae Latinae* or the *Oxford Latin Dictionary*. (For a fuller account of the methods used, see Richardson (2005).)

It hardly needs to be said that all could not be achieved even by the most useful software. Over the many years that this book has taken to come to fruition I have had much assistance, not least from the Institute of Classical Studies, University of London, where I held a Visiting Fellowship in 1998, and the Carnegie Fund for the Universities of Scotland, which funded me at that time. Many, many friends and colleagues have rendered assistance, often, I suspect, more than they realised. I cannot name them all, but wish to record

especial thanks to Clifford Ando, David Breeze, T. Corey Brennan, Michael Crawford, the late Peter Derow, Carlotta Dionisotti, Jean-Louis Ferrary, Fritz-Gregor Herrmann, Jill Harries, Lawrence Keppie, the late Geoffrey Lewis, Andrew Lintott, Claude Nicolet, Jonathan Prag, Roy Pinkerton, Keith Rutter; to my two sons, Thomas and Martin, for assistance on matters statistical, legal and historical; to my late wife, Patricia, who encouraged me even through her last illness; and to my wife, Joan, without whose unflagging support it would never have been completed. I am also grateful for permission to quote from Louis MacNeice, *Collected Poems* (London: Faber and Faber, 1979) in the epigraph to chapter 6.

In the long process of writing this book, parts have been presented to audiences in the Society for the Promotion of Roman Studies (especially chapter 3), the *Impact of Empire* group (especially chapter 4), the Royal Society of Edinburgh, the Universities of Leiden and Manchester, Nijmegen and St Andrews, and many others, to all of whom I give my heartiest thanks.

Abbreviations

Abbreviations of journal titles and of authors' names and works conform to those used in the *Oxford Classical Dictionary* and the *Oxford Latin Dictionary*, except for the following:

<i>Epig. Anat.</i>	<i>Epigraphica Anatolica</i>
Mommsen, <i>StR</i>	Mommsen, Th., <i>Römisches Staatsrecht</i> , 3 vols. (Leipzig, 1897–9)
<i>Or. perd.</i>	<i>M. Tullius Cicero, Orationum deperditarum fragmenta</i> , ed. F. Schoell (Leipzig, 1917)
<i>RS</i>	Crawford, M. H. (ed.), <i>Roman Statutes</i> (London, 1996)

CHAPTER ONE

Ideas of empire

Yet the visible king may also be a true one, some day, if ever day comes when he will estimate his dominion by the *force* of it, — not the geographical boundaries. It matters very little whether Trent cuts you a cantel out here, or Rhine rounds you a castle less there. But it does matter to you, king of men, whether you can verily say to this man, ‘Go,’ and he goeth; and to another, ‘Come,’ and he cometh.

John Ruskin, *Sesame and Lilies* (1871), §44.

This book is a search for the unattainable, for the notion or notions that the Romans had of their empire as their power spread beyond the boundaries of the Italian peninsula in the third and second centuries BC down to the time, in the midst of the second century AD, when it seemed to have acquired a permanent hold over southern and western Europe and its attendant islands, Asia Minor and what we now call the Middle East, and the northern strip of the African continent. The problems with this search are twofold, one of which makes the process difficult and the second apparently impossible. Both must be stated at the outset, because it is these two factors which shape the process of this investigation and its possible outcome.

I

The first is the notion of ‘empire’ itself. The idea of what an empire consists of is simple. Michael Doyle states the matter with admirable concision: empires are relationships of political control over the effective sovereignty of other political societies.¹ However, in actuality empires are immensely varied in the way that political control is achieved and exercised. These variations are what distinguish one empire from another, and each must be examined in its own terms, to avoid the danger of inappropriate transfer of notions of empire from one society to another. A recent volume, gathering together perspectives from across the world from ancient times to the early modern era, emphasises this diversity.² The self-evident differences between the Persian and the Athenian empires in the fifth century BC, based on quite different forms of military and organisational control, and between either of these and the Portuguese and Spanish empires of the sixteenth and seventeenth centuries, with their various commercial and religious motivations, or the colonial empires of Britain and France in the nineteenth and twentieth centuries, not to mention the military rather than territorial control which marked the imperial policies of the United States in the later twentieth, make the same point at a general level. If, as Doyle defines it, imperialism is the process of establishing and maintaining an empire,³ the nature of any particular example of imperialism will be as different from others as the resulting empires are different.

This combination of simplicity and complexity in the notion of empire has led modern social scientists to attempt the construction of what might be called taxonomies of empire. One of the most common distinguishes between ‘formal’ and ‘informal’ rule, the former

¹ Doyle (1986), 19. ² Alcock, D’Altroy, Morrison and Sinopoli (2001).

³ Doyle (1986), 19. For a historian’s approach to the theory of empires, see also Maier (2006).

being rule by annexation and government by colonial governors supported by troops from the imperial state and local collaborators, the latter being control by manipulation of collaborating elites over the domestic and external policies of legally independent regimes.⁴ The language of 'formal' and 'informal' empire is not altogether helpful, suggesting as it does two sets of ways of exercising imperial power which are mutually exclusive, whereas (as the development of Roman imperial power illustrates) the two sets often coexist. A more useful distinction on similar lines is that between 'power by conquest' and 'power as possession', where the distinction is based on the relationship of the state exercising imperial power to the territory of the conquered and controlled communities, that is, between military conquest *simpliciter* and administrative control.⁵ This distinction seems to fit well with pre-industrial empires, and particularly with those of the ancient world.⁶ Other elements which might also be included in the construction of a taxonomy are the extent and nature of commercial and other economic exploitation and of the institutional bureaucratisation of the mechanisms of government used by the imperial state. The level to which the subject states and their citizens are incorporated within the empire would provide another indicator.

Such an approach provides a way in which empires from different parts of the world and different periods can be compared, but it also allows a method of charting the development of individual imperial states. The changes in the notion and style of empire are not confined to differences between empires but also occur within the history of a

⁴ Doyle (1986), 30–47 and 135.

⁵ Mann (1986), 533–8; and 254–60, where he identifies Rome as the first territorial empire, having developed from the earlier 'dominating' model from around 100 BC. Compare the distinction between 'having an empire' and 'being an empire' (Maier (2006), 5–6).

⁶ See Ma (1999), 106–7.

single group's exercise of power over others; and this is particularly the case when such exercise of power takes place across a long period. This is very much the case with the Roman Empire. In terms of the taxonomy suggested above, the extension of Roman control over Italy in the fourth century BC shows a move from pure 'power-as-possession' (exemplified by the incorporation of the territory of the city of Veii into that of Rome, the *ager Romanus*, after the capture of Veii in 396) to an admixture of 'power-by-conquest' on a more 'informal' level with the restructuring of the Latin league after 338, whereby some former allies were incorporated, some left as legally independent though in practice bound by treaties to provide troops and yet others given a partial citizenship which imposed the burdens of incorporation into the Roman state without the concomitant political rights. This mosaic of imperial modes provided Rome with the control over its neighbours and the military manpower it needed to undertake the subjugation of the rest of Italy by the middle of the third century.⁷ Given the adaptability of structure that the Romans displayed in the conquest of Italy, it is only to be expected that there were changes in the way the empire was seen and managed as it grew to encompass the Mediterranean world in the late third and second centuries BC and to go beyond, into more northerly parts of Europe and east and south into Asia and north Africa, in the first centuries BC and AD. The question that needs to be addressed is not, 'What was the Roman Empire like?', but rather, 'How did the empire change in the long period of its overseas expansion?', or even, 'What were the Roman empires like?'

II

Depicting the Roman Empire, even in general terms, is then a complex and difficult business, but the project of this book involves a

⁷ See, for a masterly summary of this period, Cornell (1995), chs. 12 and 14.

second question which is still more problematic: what did the Romans think they were doing as their power changed and expanded, and were they aware of those changes? There have, of course, been many notable and distinguished attempts over the past century and a half to delineate the nature of Roman imperialism. Theodor Mommsen, in a few seminal sentences, argued that, at least in the first half of the second century BC, when Roman armies were withdrawn from Greece and Asia Minor after the completion of successful wars, Rome's apparent empire-building was the result of a policy of misguided self-defence against largely imaginary threats to its own security.⁸ In the 1970s scholars such as Dahlheim⁹ and, especially, Harris¹⁰ presented a more brutal picture of Roman militarism and greed, with the senate being determined, for reasons of greed and military power, to annex any territory it could. There are problems with such an approach, particularly with the notion of 'annexation', which will be examined below,¹¹ but its major attraction is also its greatest demerit, in that it attempts to give a coherent account of what the Romans did over a long period. As we have seen, it is at least as likely that Roman ideas of imperialism, and indeed of empire, were different in the late republic as compared with the middle republic, and still more so by the time of Augustus and his successors.¹² This has been brought out with more subtlety and precision in more recent studies,¹³ but relatively little has been written on what the Romans thought their empire was as opposed to what they did to create it.¹⁴

⁸ Mommsen (1912), 699. For the history of this idea and its relation to the context of those who held and developed it, see Linderski (1984).

⁹ Dahlheim (1977). ¹⁰ Harris (1979). ¹¹ See below, pp. 23–5.

¹² One such instance is Harris' argument that the use of the word *imperium* in the prayers of the censors (Val. Max. 4.1.10) and at the *ludi saeculares* showed that the increase of empire was a very early and continuing wish. See below, p. 152.

¹³ So Nicolet (1988) and (1991); Whittaker (1994); Kallet-Marx (1995); Woolf (1998).

¹⁴ An obvious and notable exception is the work of Peter Brunt (Brunt (1978) and (1990), 433–80).

The reasons for the lack of such attention to the ideas of the Romans are reasonably clear. The attention of scholars working on imperialism in recent years has been to a large extent on the experience of those who were on the periphery, those, that is to say, who suffered empire rather than those who made and controlled it, and this has been reflected also in work on Roman imperialism. This book is confessedly Romanocentric, and to that extent out of fashion. Worse still, it will attempt to discover what the ideas and intentions of the Roman ruling classes were with regard to their empire over more than three hundred years. Having been told by a great Roman historian when I was a research student that there were only two figures from antiquity about whose intentions it was justifiable to write, and that they were Cicero and St Augustine,¹⁵ I suspect that such a project requires explanation.

The warning I was given decades ago was against attributing to individuals in the ancient world mental states for which we had no, or radically insufficient evidence. In a situation in which such evidence consists of literary survivals, invariably composed with an audience and an agenda in mind, or visual artistic and archaeological material, which is just as hard to interpret, discussions of the intentions of, say, Hannibal or Gaius Gracchus or the emperor Augustus are fraught with difficulty to the extent of being incapable of accurate resolution. In some ways this problem might seem to be exacerbated when the object of the investigation is not the notions of one person but of a large and largely unidentifiable group. Hence the apparent impossibility of this project, referred to at the beginning of this chapter. There is, however, a greater chance of identifying general attitudes, what might be described as the 'mental wallpaper' of a section of a society, which are not specifically argued about in

¹⁵ A remark (somewhat ironically, in view of the previous footnote) of Peter Brunt.

our sources precisely because they are taken for granted by those who wrote or spoke at the time. Such paradigms have been neatly described as 'short-hand for the assumptions we don't get round to articulating'.¹⁶ It is just such a paradigm, and the shifts and changes in its composition, that I will attempt to identify in the chapters which follow.

Of course, there are problems involved in discovering such 'mental wallpapers' for those in the ancient world, not least that the evidence we have comes from individual writers whose work happens to have survived and each of whom has his own set of attitudes, which may or may not be congruent with any generally held paradigm. To minimise the difficulties, three strategies are employed in what follows. First, so far as is possible all the instances of literary uses of the words which are to be examined have been collected and considered as evidence for the period in which they were written, rather than that to which the writer refers; second, due attention has been paid to the particularities of individual writers by comparison with others of the period, and, where appropriate, with evidence from Greek authors and from epigraphic material; and third, the formal legal and constitutional structures through which imperial power was deployed and exercised have been surveyed, to provide a further comparator with the evidence of the language of the literary sources. By these means, it is hoped that a better understanding of the ideas of the Roman ruling classes can be gained across the period that is being examined.

III

It is the contention of this book that, in order to understand Roman imperialism and the Roman Empire, it is necessary to grasp what the

¹⁶ A remark of Professor Jocelyn Bell Burnell, then Professor of Physics at the Open University, on *Start the Week*, BBC Radio 4, 22 September 1997.

Romans thought they were doing as well as what they did. The best, perhaps the only way of doing this is to examine the language that they used to describe that empire. One important element within this set of ideas is the notion of empire as a territorial entity, and whether (and when) the Romans saw the extension of their power in terms of acquiring and controlling landmasses: in terms of the taxonomy outlined above, the disjunction is between 'power by conquest' and 'power as possession', and the ways in which these two notions related to one another. The focus in this work will for this reason be on the ideas expressed by the words *imperium* and *provincia*. Both were fundamental to the processes whereby the Roman state extended its military and political power in the third and second centuries BC, when *imperium* seems to mean essentially the power held by an official of the city of Rome, and *provincia* the responsibility given to a holder of *imperium*,¹⁷ yet both of them came to have geographical significances by the first century AD.¹⁸ The conservatism of the Roman political vocabulary across long periods of its history allows changes in usage and application of these words to be traced, not only in formal, official contexts but also in more discursive and rhetorical passages. Of course, such an investigation is faced with the problems of polysemy, for as a word gains additional meanings and applications it does not necessarily lose the old ones; but these problems are also at least part of the answer, illustrating the processes of evolution which characterise Roman political thought. To deal with the question of the meaning

¹⁷ See below, chapter 2. Bertrand (1989) argues that *provincia* did have a geographical sense from the beginning, but this seems to me not to be supported by the earliest evidence (see below, ch. 2, especially p. 61). For the temporal disjunction between an idea or practice and the appearance of a word for it, compare Daube (1994).

¹⁸ It is not surprising, given the etymological connection, that these words are, often unthinkingly, translated as 'empire' and 'province', even when the context suggests 'power' or 'responsibility'.

and import of particular uses, close attention must be paid to the content and context of the passages in which the words are used. Through a careful consideration of such uses, the life-history of the words and the ideas that they carried through this crucial period of the growth and development of the Roman Empire will be traced.¹⁹

The intention of this book is to explore, through the growth in the set of meanings which attached in particular to these two words, the presuppositions which lay behind the development of Rome's overseas empire from the third century BC to the first century AD, and the continuities and discontinuities within those presuppositions. *Imperium*, which at the start of the period means 'power' in an abstract sense and usually with an individual, personal application, acquires the meaning of an extent of territory; and *provincia*, which begins as the task or responsibility of a holder of *imperium* comes to mean an area within the empire with a defined set of administrative norms. The questions which the following chapters attempt to answer are how this came about, and how the changes in patterns of thought, which these shifts in language reveal, affected and reflected the development of the Roman Empire.

¹⁹ On the biographical pattern of this book, see further below, pp. 57–8 and p. 182.

CHAPTER TWO

The beginnings: Hannibal to Sulla

It would be a bold historian who attempted to fix a date for the beginnings of Roman imperialism, to say nothing of a Roman empire. From the earliest traces we have within the historical record of Rome as a functioning community, in the sixth century BC, the city's political institutions were based on the structures of its army; and, in just over a century from the capture of Veii in 396, Roman control spread across the whole of the Italian peninsula.¹ Moreover there can be no doubt that Roman society throughout this time was decidedly military, and perhaps even militarist, in character.² This could well be described as imperialism, and Rome's patchwork of military alliances and settlements as an empire. Although traditionally the period of Roman imperialism is reckoned to have begun with its expansion overseas, and thus with the first war against the Carthaginians (264–241 BC), there are obvious continuities between the extension of control over Italy and the move into Sicily, which brought Rome face to face with Carthage, as indeed there are between the Italian conquest and the wars for dominance over the Latin league which preceded it.

¹ See the excellent account of the period in Cornell (1995), especially chs. 8, 12 and 14.

² See Harris (1979), ch. 1.

For the purposes of this present study, however, which is focussed on the language used to describe the emerging empire and the institutions which created it, the period from the mid third century down to the changes wrought by the dictator, L. Cornelius Sulla, in the late 80s BC does make an appropriate starting point. The first areas to be designated as *provinciae* on a recurring basis, Sicily, Sardinia and Corsica and the two Spanish *provinciae*, were occupied as the direct results of the wars with Carthage, and it was in the late third and second centuries that the institutions which were to shape the government of the empire and its provinces in the imperial period, during and after the reign of Augustus, began to appear. So far as linguistic usage is concerned, there is much less contemporary Latin available from which to judge the ideas which the Romans of the time had of their growing control of the Mediterranean, but there is at least some. The comedies of Plautus and Terence, the remaining fragments of the works of Cato the elder and of the orators and historians of the period, and, perhaps most importantly, surviving inscriptions all give clues as to what *imperium* and *provincia* meant to those who wrote in the second and early first centuries; and there is also available the evidence of the first Greek writers, most notably Polybius. For obvious reasons, Greek authors cannot be expected to provide material for linguistic usage in Latin, and, as we shall see, there is no direct correspondence between the words in Greek which came to be used when referring to *imperium* and *provincia* and their Latin originals; but the insights provided into the processes of Roman imperialism by these writers who stood outside the linguistic milieu of the Romans of the time are undoubtedly valuable. Moreover through the second and into the first centuries BC the level of consistency in the translation of Latin terminology into Greek increased, no doubt as the result of the increasingly large number of Roman documents in Greek, normally if not

always translated by Latin-speakers, which appeared in the Greek world.³

The nature of the evidence available for this period dictates the shape of this chapter: the linguistic material is too slight and too varied to allow us to discover from it alone the attitudes of the Romans to extraordinary expansion of their power in the one hundred and twenty years which followed the war with Hannibal. For instance, of the ninety-eight instances of the use of the word *imperium* that I have collected from the period, forty are from the plays of Plautus, whose main interest is not Roman foreign conquest; while *provincia* appears only twenty-six times, of which ten are from Plautus. As we shall see, an examination of the writers of comedies (and especially Plautus) does have interesting things to show about usages of both *imperium* and *provincia*, but in a considerable number of cases the reason for using these words seems to be the incongruity between the comic context in the plays and the solemn, perhaps even pompous, official settings in which they would commonly be found. Under these circumstances it is more prudent to attempt to learn what we can from a reconstruction of these official contexts before proceeding to an analysis of the evidence from the small number of examples which can be collected from the period.

IMPERIUM AND PROVINCIA: THE INSTITUTIONAL STRUCTURES

The main locus for such official contexts in the late third and second centuries was the senate, which, as we shall see, is described by Livy as being responsible for the decisions as to which *provinciae* the holders of *imperium* should have each year. For this reason, the senate is the place we should first look for a context in which it might

³ See Magie (1905); Sherk (1969), 13–19; Crawford (1996), 234. On variations in Greek words for *imperium*, see Mason (1974), 133–4.

become clearer what a *provincia* was, and the part that it played in the development of Rome's imperial ambitions both during and for the thirty-five years following the Hannibalic war. There are obvious dangers in this way of proceeding, not the least being that most of our evidence is from Livy, writing some two hundred years after the beginning of the Hannibalic war, and moreover two hundred years in which the extent of Roman power had expanded enormously. As will be seen when we analyse Livy's own usage and that of his contemporaries, the range of meanings which were given to both *imperium* and *provincia* in the reign of Augustus was not the same as that for which we have evidence from the early second century BC.⁴ There are, however, good reasons to trust the general outline of Livy's accounts of the activity of the senate.

As always, the credibility of an ancient source depends in part on the sources of information employed, and in part on what the writer concerned has done with that information. In the case of Livy's accounts of senatorial proceedings in the third and second centuries, the sources seem to be official reports from the senate, or more probably annalists, who themselves drew on such reports.⁵ Livy's accounts follow a standard pattern, which is best seen by looking at a couple of instances. For example, at the beginning of the year 202 BC, immediately following his concluding notices for the previous year, which include the election of M. Servilius Geminus and Ti. Claudius Nero to the consulship,⁶ Livy writes:

principio insequenti anni M. Servilius et Ti. Claudius senatu in Capitolium vocato de provinciis rettulerunt. Italiam atque Africam in sortem conici, Africam ambo cupientes, volebant; ceterum Q. Metello maxime adnitente neque negata neque data est Africa. consules iussi cum tribunis plebis agere

⁴ See below, chapter 4.

⁵ Walsh (1963), 122 and 165–6; Briscoe (1973), 1–12; Oakley (1997), 57–62.

⁶ Livy 30.26.1.

ut, si iis videretur, populum rogarent quem vellet in Africa bellum gerere. omnes tribus P. Scipionem iusserunt. nihilo minus consules provinciam Africam – ita enim senatus decreverat – in sortem coniecerunt. Ti. Claudio Africa evenit ut quinquaginta navium classem, omnes quinqueremes, in Africam traiceret parique imperio cum P. Scipione imperator esset: M. Servilius Etruriam sortitus. in eadem provincia et C. Servilio prorogatum imperium si consulem manere ad urbem senatui placuisset. praetores M. Sextius Galliam est sortitus ut duas legiones provinciamque traderet ei P. Quinctilius Varus: C. Livius Bruttios cum duabus legionibus quibus P. Sempronius proconsul priore anno praefuerat: Cn. Tremelius Siciliam ut a P. Villio Tappulo praetore prioris anni provinciam et duas legiones acciperet; Villius pro praetore viginti navibus longis militibus mille oram Siciliae tutaretur: M. Pomponius viginti navibus reliquis mille et quingentos milites Romam deportaret. C. Aurelio Cottae urbana evenit. ceteris ita uti quisque obtinebant provincias exercitusque prorogata imperia. sedecim non amplius eo anno legionibus defensum imperium est. et ut placatis dis omnia inciperent agerentque, ludos quos M. Claudio Marcello T. Quinctio consulibus T. Manlius dictator quasque hostias maiores voverat si per quinquennium res publica eodem statu fuisset, ut eos ludos consules priusquam ad bellum proficiscerentur facerent. ludi in circo per quadriduum facti hostiaeque quibus votae erant dis caesae.⁷

At the beginning of the following year M. Servilius and Ti. Claudius brought the matter of the *provinciae* to the senate, summoned to meet on the Capitol. They wanted Italy and Africa to be assigned by lot, since both hoped to have Africa; but, particularly through the action of Q. Metellus, Africa was neither refused nor granted to them. The consuls were ordered to take the matter to the tribunes of the plebs, so that, if they so decided, they should ask the people whom it wished to conduct the war in Africa. All the tribes ordered that this should be P. Scipio. Nevertheless the consuls cast lots for the *provincia* of Africa, as the senate had decreed. Africa fell to Ti. Claudius, who was to take across to Africa a fleet of fifty ships, all quinqueremes, and to hold *imperium* on an equal basis with P. Scipio: M. Servilius obtained Etruria by lot. In the same *provincia*, the *imperium* of C. Servilius was prorogued in case the senate should decide that the consul should remain near the city. Of the praetors, M. Sextius obtained Gallia by lot, and P. Quinctilius Varus

⁷ Livy 30.27.1–12.

was to hand over to him two legions and the *provincia*: C. Livius obtained the Bruttii with the two legions which P. Sempronius had commanded in the previous year as proconsul: Cn. Tremelius obtained Sicily and was to take over the *provincia* and two legions from P. Villius Tappulus, the praetor of the previous year; Villius, with *imperium pro praetore*, was to keep watch over the coast of Sicily with twenty warships and a thousand soldiers: M. Pomponius was to bring back to Rome one thousand five hundred soldiers in the remaining fifty ships. The urban *provincia* fell to C. Aurelius Cotta. Those others, who were holding *provinciae* and armies, were left in place and had their *imperia* prorogued. In that year the *imperium* was defended by no more than sixteen legions. And, to ensure that they undertake and carry out everything with the favour of the gods, the consuls were ordered to perform, before they left for the war, the games and sacrifices of full-grown victims which T. Manlius as dictator had vowed in the consulship of M. Claudius Marcellus and T. Quinctius, if the *res publica* should remain in the same condition through the next five years.

The situation in 202 was, of course, complicated by the military situation, with Publius Scipio present in the territory of Carthage, preparing to fight the last great battle of the Hannibalic war, and by the political rivalries which this generated in Rome; but the basic shape of the deliberations and decisions of the senate was that which, in Livy's accounts, were undertaken year by year at the beginning of the terms of office of the new magistrates. It is clear that (at least as Livy presents it) the senate took the initiative in the selection of which *provinciae* were to be allocated, and that they had the major role, in the case of the consular *provinciae*, in determining how the allocation was to take place. In 202 both consuls wanted to have Africa and thus wanted to use the lot to decide which one should go there and which to Italy. It was the senate which, urged on by the consular Q. Metellus, a strong supporter of Scipio,⁸ refused them this

⁸ He had argued in the previous year that no peace treaty should be made with Carthage until Scipio had been consulted (Livy 30.23.3–4).

option and referred the matter in the first instance to the people; and it was also the senate that decreed that, notwithstanding the desire of the people that Scipio should be continued in his command, one of the consuls should go to Africa with equal *imperium* and a fleet. In the case of the praetorian *provinciae*, the senate's role is more limited, and that appears to be the normal situation. Whereas the consuls either could (as the account for 202 makes clear) agree between themselves who was to hold which *provincia* or could submit the question to the lot, this was not so for the praetors, for whom (with very rare exceptions) the allocation of responsibilities was always by lot.⁹

It is also worth noticing that, although several of the *provinciae* have geographical names (Africa, Etruria, Sicily), this is not true of all of them. Not only does one praetor receive the *urbana*,¹⁰ which consists of the business of the law courts in Rome, but one of those from the previous year has his *imperium* prorogued for a further period to command the fleet guarding the coast of Sicily and one to bring back ships; and another, who had been praetor in 204, has *imperium* extended again to bring back men and ships from the island.¹¹ Even the naming of one praetorian *provincia* as 'the Bruttii' is not properly geographical, though this is undoubtedly influenced by the nature of the territory which the Bruttii occupied in the remote and mountainous region of the toe of Italy. In such instances it seems that the *provincia* was a task rather than an area, which further

⁹ In 214 BC the praetor Q. Fulvius Flaccus was assigned the *urbana provincia* immediately after the elections and before the sortition took place (Livy 24.9.5). This was certainly because he had held the same magistracy and the same *provincia* in the previous year. Livy notes that this allocation was *extra ordinem*, which surely means 'not using the normal procedure' (cf. Mommsen, *StR* 11.209 n. 2; Brennan (2000), 188, believes that this may have been a forerunner of *imperia extraordinaria* in the late republic, but this is not implied by Livy's notice).

¹⁰ C. Aurelius Cotta (Livy 25.27.9).

¹¹ P. Villius Tappulus (pr. 203, cf. Livy 30.1.9); M. Pomponius Matho (pr. 204, cf. Livy 29.13.2, 30.2.3).

suggests that this was also the case where a *provincia* had a geographical name attached to it.¹² The main task of the senate was to decide what work had to be undertaken in the following year by the holders of *imperium* (for the most part those elected to magistracies by the people or those whose *imperium* was extended beyond their magistracy by prorogation),¹³ and to oversee the process of distribution of the various portfolios.

In the second part of this task, as we have seen, there were differences between the allocation of praetorian *provinciae* and of those held by the consuls. It is less clear whether this was also true of the first part, the selection of the *provinciae* to be allocated. In a recent book T. Corey Brennan has argued that for the praetorian allocation there was a distinction between what he terms ‘regular’, or ‘fixed’, and ‘special’ *provinciae*.¹⁴ The former consist, in Brennan’s account, of the two juridical *provinciae*, held by the urban and peregrine praetors, and four overseas *provinciae*, first Sicily and Sardinia from 227 BC, and then Hispania citerior and Hispania ulterior from 197; the latter were all other responsibilities given to praetors from time to time. The basis for this distinction appears to be the undoubted fact that the sources state that when these *provinciae* were first allotted to praetors, additional magistrates were elected for the purpose; but Brennan believes that there was, at least notionally, a roster of these ‘fixed’ provinces, to which he gives the name *ordo provinciarum*,¹⁵ and that the senate was prevented from making decisions about the inclusion or exclusion of these from the list of *provinciae* to be allocated, without a vote in the popular assembly. If this were true, these *provinciae* would certainly have a different status in the minds of senators and magistrates from those others (both consular and

¹² See further, Lintott (1993), 22–3; Richardson (1994), 564–5.

¹³ For the relation between *imperium* and magistracy, see further Richardson (1991).

¹⁴ Brennan (2000), 182–90. ¹⁵ Brennan (2000), 187–8.

praetorian) which were not hedged from senatorial consideration in this way. However, as Brennan himself admits, the evidence for this differentiation is based on one passage from Livy, which we should therefore consider more carefully.

In his account of the allocation for the year 208 BC Livy gives the list of *provinciae* assigned to the four praetors of the year, and he then proceeds to detail the prorogations of *imperia* which related to the others. The passage runs:

prorogatum imperium in annum est Q. Fulvio Flacco ut provinciam Capuam quae T. Quincti praetoris fuerat cum una legione obtineret. prorogatum et C. Hostilio Tubulo est ut pro praetore in Etruriam ad duas legiones succederet C. Calpurnio. prorogatum et L. Veturio Philoni est ut pro praetore Galliam eandem provinciam cum iisdem duabus legionibus obtineret quibus praetor obtinuisset. quod in L. Veturio, idem in C. Aurunculeio decretum ab senatu latumque de prorogando imperio ad populum est, qui praetor Sardiniam provinciam cum duabus legionibus obtinuerat.¹⁶

Imperium was prorogued for a year for Q. Fulvius Flaccus, to take over the *provincia* of Capua, which Ti. Quinctius had held, with one legion. *Imperium* was also prorogued for C. Hostilius Tubulus, to succeed C. Calpurnius with two legions in Etruria, with *imperium pro praetore*. *Imperium* was also prorogued for L. Veturius Philo, to hold Gallia *pro praetore*, the same *provincia* and with the same legions he had held as praetor. The same was decreed by the senate in the case of C. Arunculeius as for L. Veturius and the measure about the prorogation of his *imperium* was brought before the people; he had held the *provincia* of Sardinia with two legions.

Brennan, following an observation of Mommsen's,¹⁷ argues that it is significant that Aurunculeius required a reference to the people about the prorogation of his *imperium*, whereas no such process is mentioned for the other prorogations; and from this he deduces that the 'fixed' *provinciae* differed from the others, and that the agreement

¹⁶ Livy 27.22.4–6. ¹⁷ Mommsen, *StR* II.211, n. 1.

of the people was needed before they could be withdrawn from the list of potential allocations. He further suggests that the popular assembly lost this right to control omission of 'fixed' *provinciae* from the annual sortition as a result of the passing of the *lex Baebia* in 181, when it was decided that there should be in alternate years six and then four praetors, rather than six in every year. This statute is generally recognised to be the result of a recurrent pattern since the creation of two extra praetorships in 197 whereby the Spanish *provinciae* had regularly been held for two years rather than just one by the praetors sent out to them.¹⁸ Although the provisions of the *lex Baebia* were abandoned after a few years, and the law either partially or completely repealed, Brennan tentatively suggests that it may be this which resulted in the removal of the need for the senate to gain the people's approval before omitting 'fixed' *provinciae*, like the two Spanish provinces, from the sortition.

It has to be said (and Brennan admits it) that the single report in Livy of the details of the allotments in 208 is a slender foundation on which to base a theoretical distinction between 'fixed' and 'special' praetorian *provinciae*. Further, it is by no means clear that the foundation supports, much less requires, the superstructure with which Brennan has provided it. It is surprising, if there was a roster of 'fixed' *provinciae* which were allotted every year unless a measure was passed in the assembly, that this is the only mention we have of the fact. There is no doubt that the *imperium* of holders of these *provinciae* was frequently prorogued, as for instance in the case of Hispania citerior and Hispania ulterior during the 190s and 180s; and indeed there is another in 208, when (as Livy notes shortly after the passage cited above)¹⁹ the praetorian commander of the previous year in Sicily, M. Valerius Laevinus, has his

¹⁸ Richardson (1986), 110–12; Brennan (2000), 169–73. ¹⁹ Livy 27.22.9.

imperium prorogued for the second time. Brennan explains these omissions of mention of what he believes to be the full and correct procedure by noting that Livy often leaves out what to us would be valuable and important details of the working of the Roman constitutional machinery.²⁰ This is no doubt true; but it is notable that at this one point, where allegedly Livy is differentiating between the variant treatment needed for 'fixed' as opposed to 'special' *provinciae*, he himself believes that he is in fact recording the opposite: it is the identity of the process used for Veturius and Aurunculeius which Livy stresses in the crucial sentence.²¹

There is another oddity which should be noted in this 'full and correct procedure' for the modification of the sortition, as Brennan believes it to be: Livy's description of the measure which was passed by the popular assembly shows that it was not in fact about sortition, nor even about *provinciae*. The measure is described as being *de prorogando imperio*, about the prorogation of Aurunculeius' *imperium*. What the assembly was being asked to decide, it seems, was whether or not this praetor of the previous year was to hold *imperium pro praetore* in 208, not the *provincia* in which he was to exercise it. That this was the question that was put to the people is confirmed by another consideration: the account of what happened, as Livy gives it, shows that the decision which the popular assembly took was not reached until after the provincial allocations had been made by lot, and that the *provinciae* which had been allotted by that point were those which the senate had decided upon prior to the discussions about the consular responsibilities and the casting of lots. If the decision which was made in the popular assembly was about the decision

²⁰ This point is made by both Brennan and Mommsen before him (above nn. 14 and 17).

²¹ Livy 27.22.6: 'quod in L. Veturio, *idem* in C. Aurunculeio decretum ab senatu latumque de prorogando imperio ad populum est, qui praetor Sardiniam provinciam cum duabus legionibus obtinuerat.'

of the senate as to which *provinciae* were to be included in the allotment, this would surely take place before the allotments were made, not after it. If the people had refused to allow the exclusion of the *provincia* of Sardinia from the allotment, then the entire process of allocation would have had to be repeated; whereas if (as the name of the measure suggests) it was Aurunculeius' *imperium* that was to be confirmed or refused, then a negative vote would have required simply the identification of another individual to hold the *imperium pro praetore* in that *provincia*.

The question remains as to why the popular assembly was involved in this process at all. The problem is complicated by the undoubted fact that Livy, who is virtually our only source for the activity of the senate and the popular assemblies in this period, tends to be more interested in the actions taken by the former than the latter.²² In this case, it may be that it was not permission to change the *provinciae* which were to be allotted which was at issue (and, so Brennan believes, omitted by Livy) but the continuation of *imperium*. It is clear that such prorogations were the subject of popular votes, at least down to the end of the Hannibalic war, and some scholars have argued that this continued, at least as a formality, into the late republic.²³ After all, the use of the word *prorogare* suggests the use of a *rogatio* put to the people. Whether or not the practice remained in place for as long as that, there is other evidence that at the end of the third century the assemblies were involved in approving the grant of *imperium* to those who were not magistrates. In 210 the young P. Cornelius Scipio was sent to Spain with *imperium pro consule*, and from 206 to 198 other commanders who were not (and usually had not been) magistrates were sent to the same area. In these instances there is occasional mention of the use of a popular assembly to ratify

²² As noted by Mommsen on this point (above, n. 17). ²³ So Oakley (1998), 660–1.

the grants of *imperium*, and it would be surprising (given the significance of such a grant to individuals who had not been elected) if this were not so.²⁴ Though Livy writes of different assemblies undertaking this role on different occasions (which may well be due to confusions in his sources), the link between unusual *imperia* and the people seems clear;²⁵ and it should be noted that these were not for 'fixed' *provinciae*, since (on Brennan's hypothesis) the Spanish provinces were not in this category until 197.

Indeed what is surprising about the annual accounts which Livy gives of the allocation of *provinciae* is not that those to which magistrates were sent on a regular basis (Brennan's 'fixed' provinces) were given special treatment, but rather that they were not. Year by year the senate appears to consider all the areas of responsibility that need to be dealt with by holders of *imperium*, and to name these to be allocated, either by mutual arrangement (in the case of consular *provinciae*) or by prorogation or by use of the lot. To give just one example, when in the course of the war with Antiochus the senate decided that for the year 191 BC the two juridical *provinciae* should be combined to allow more praetors to fill military *provinciae*, they did so by decreeing which lots should carry which provinces: the first was to be the urban and peregrine jurisdictions, the second the Bruttii, the third the fleet, the fourth Sicily, the fifth Sardinia and the sixth Hispania ulterior.²⁶ Here not only is the senate altering the *provinciae* to be allotted without any recorded reference to the popular assemblies, but the listing of the praetorian provinces which

²⁴ Livy 26.18.1–11 (in 210); 29.13.7 (in 204); 30.41.4–5 (in 201); 31.50.10–11 (in 199). Note also the role of popular assemblies in the grant of *imperium* to commanders returning to Rome to celebrate a triumph (Richardson (1975), 58–60).

²⁵ Richardson (1986), 65–6.

²⁶ Livy 35.41.6: 'item de provinciis praetorum decretum est, prima ut sors duae urbanaeque et inter cives ac peregrinos iurisdictio esset, secunda Bruttii, tertia classis ut navigaret quo senatus censuisset, quarta Sicilia, quinta Sardinia, sexta Hispania ulterior.'

were to be taken up in the following year is given in a manner and an order which does not suggest that there was any priority given in the mind of the senators to 'fixed' as opposed to 'special' *provinciae*. There can be little doubt that the fact that certain tasks needed to be fulfilled on a regular basis was one of the factors which influenced the decisions of the senate, but there is no sign that this resulted in a differentiation of the various *provinciae* into different categories on a legal or constitutional basis. The identification of the *provinciae* seems rather to be a mechanism whereby the senate deployed the available resources of the city, in terms of holders of *imperium*, to meet the demands of the situation both at home and in the military sphere at the time. Different circumstances evoked different responses. In fact the flexibility which the senate enjoyed through the availability of a variable number of possible commanders, combined with the large number of soldiers provided by the pool both of Roman citizens and of Latins and allies, proved its worth in the period of the Hannibalic war, and it stands in marked contrast with the difficulties that other contemporary organisations, such as the leagues of cities in Greece, had in organising and mobilising forces.²⁷

If this is what the senate was doing in determining and supervising the allocation of *provinciae*, it is also worth noticing what it was not doing. There is no indication in Livy that the senate, in naming an area as a *provincia*, was performing an act of annexation, despite the language used by many modern scholars. In contrast to the prolonged argument as to whether Rome had or did not have a policy of 'non-annexation' during the second century BC,²⁸ there

²⁷ Compare for instance the problems of the Achaean league in 169/8 in determining whether to send aid to the Ptolemies, and if so which commanders to send (Polybius 29.23.1–25.7 and Walbank (1979), ad loc.) The strength of the league in this context was, of course, immensely inferior to that of Rome at the time, but the processes through which it had to go to reach a conclusion were also far more cumbersome.

²⁸ See, for example, Harris (1979), esp. 131–62.

is no sign in the reports of proceedings in the senate of discussion about acquiring territory. Instead, as we have seen in the case of the allocation of *provinciae* in 202, the matters to be resolved were about which tasks and areas were to be entrusted to which *imperium*-bearers, and which military forces were to be given to them in order to carry out their functions. The naming of an area as a *provincia* did not (so far as we can tell) alter its legal status or constitute a Roman assertion of sovereignty, any more than the omission of an area from the list of *provinciae* in a subsequent year meant a de-annexation of a previous Roman 'territory'. The processes and institutions which were by the end of the first century BC to constitute the norms of Roman provincial administration were not, in the early second century, linked with the allocation of an area to a holder of *imperium*.²⁹ Perhaps the clearest instance of this disjunction is that of Macedonia, which was first named as a consular *provincia* in 211 and continued to appear on the senate's list until 205, when the Peace of Phoenice brought an end to military activity in the region.³⁰ It was again a consular and proconsular *provincia* from 200 to 195, during the second Macedonian war,³¹ and from 171 to 167 for the third war, against Perseus.³² Up to this point Macedonia (despite its occasional appearance on the senate's list of *provinciae*) had been an independent kingdom, and it was only in 167 that arrangements were laid down, by L. Aemilius Paullus and a senatorial commission of ten, for the organisation of the area and the level of taxation to be collected.³³

²⁹ Richardson (1994), 564–71.

³⁰ 211: Livy 26.22.1; 210: Livy 26.28.9; 209: Livy 27.7.15; 208: Livy 27.22.10; 207–206: Livy 29.12.1–2.

³¹ 200: Livy 31.6.1; 199: Livy 32.1.2; 198: Livy 32.8.4; 197: Livy 32.28.9; 196: Livy 33.25.11; 195: Livy 33.43.6.

³² 171: Livy 42.32.5; 170: Livy 43.6.11 (the provincial allocation for this year is not preserved, due to the loss of a section of Livy's text in the manuscripts); 169: Livy 43.15.3; 168: Livy 44.17.10; 167: Livy 45.16.2.

³³ The details of Aemilius Paullus' settlement are given in Livy 45.18.1–8 and 29.4–14.

This, however, was not the point at which Macedonia became an ‘annexed’ province, though at least one later source seems to view it as such.³⁴ On the contrary, 167 marked the point at which Roman forces were withdrawn from Macedonia, and the area ceased to be a *provincia* at all; and it remained so until the praetor, P. Iuventius, was sent out to resist the attempts of Andriscus to claim the throne of Macedon in 149 BC.³⁵ When, in the years after Andriscus’ defeat, Roman praetors were sent out on a continuous basis to control the area, the main features of Paullus’ settlement, designed for an area which was not the *provincia* of a magistrate or pro-magistrate, continued in place.³⁶

This observation brings us back to the question of what a *provincia* was, or at least what it was seen as being in the late third and early second centuries BC. The undoubted fact that most *provinciae* had geographical names and that by the imperial period they were administrative districts within a reasonably coherent Roman Empire has, not surprisingly, led many to conclude that this is what they were, at least in embryo, in their earliest form; and it is true that later writers frequently regarded them in just such a light.³⁷ The fact that the administrative functions of later provinces (such as taxation and the determining of the status of foreign communities) took place in the early second century in areas (such as Macedonia) which were not *provinciae* should warn us not to jump to such conclusions too readily.³⁸

³⁴ The Livian epitomator summarises the work of Aemilius Paullus in 167 as *Macedonia in provinciae formam redacta* (Livy, *Per.* 45).

³⁵ Zonaras 9.28.4–5.

³⁶ Livy 45.32.7. On the use of Paullus’ measures later, see Kallet-Marx (1995), 12–18.

³⁷ So Appian (see Richardson (2000), 7).

³⁸ Note also the arguments of Ferrary (1988), 5–43 on the status of the ‘free’ cities in Sicily after 241; and on that of Greek cities after 146 in Kallet-Marx (1995), 48–9. The presence of *civitates liberae* does not require the presence or even close proximity of a Roman *provincia*.

One item in the repertoire of provincial institutions which was clearly of growing importance in the development of the provinces of the late republican and imperial periods was the boundaries which delimited their territory, which, it has been suggested, became essential as soon as a *provincia* was more than a purely military command. The model for such a definition of an area has been sought in the listings (*formulae*) which Aemilius Paullus drew up in his settlement of Macedonia in 167.³⁹ The problem with this suggestion is, as we have seen already, that what Paullus was constructing was not a *provincia*, and there is no evidence for such a *formula* for communities under the control of a provincial governor at this date.⁴⁰ It is true that the Romans kept an official list of their allies (*formula sociorum*), twice mentioned by Livy;⁴¹ and an inscription of 74 BC refers to individuals being entered on a list of friends of the Roman people,⁴² which probably implies the existence of an official list of *amici*, both individual and corporate. Neither of these, however, provides evidence for a provincial *formula* in the second century BC.

There are, however, some indications that there were provincial boundaries of some sort (*fines* or *termini provinciae*) in our period. When in 215 the praetor Ap. Claudius in Sicily became anxious about the situation in Syracuse, whence he had had reports of the negotiations that the new young king, Hieronymus, was conducting with the Carthaginians, he is said by Livy to have established all his forces on the boundary between the *provincia* and the kingdom;⁴³

³⁹ So Lintott (1993), 28–32.

⁴⁰ The earliest use of the term as a provincial listing that I know of is the note of Pliny the Elder (*HN* 3.37) that the emperor Galba added the Avatici to the *formula* of the *provincia Narbonensis*. By the early third century AD such a list appears to have existed for all *provinciae* (see below, p. 79). On the use of *formula provinciae* in the first century AD, see below pp. 150–1.

⁴¹ Livy 43.6.10; 44.16.7.

⁴² *CIL* 1².588.7 (= Sherk, *RDGE* 22, 12): '[Uteique Q. Lutatius, M.] Aemilius cos. a(Iter) a(mboque), s(ei) e(is) v(ideretur), eos in amecorum formulam referundos curarent.'

⁴³ Livy 24.7.9: 'ipse adversus Syracusana consilia <ad> provinciae regnique fines omnia convertit praesidia.'

and when, in 213, Livy describes the allocation of *provinciae*, he records that of the two pro-magistrates in Sicily, M. Marcellus (the consul of the previous year) was allotted the territory which had previously been the kingdom of Hieronymus' grandfather, Hiero II, while P. Lentulus was to hold the 'old' *provincia*.⁴⁴ Although the allocation of *provinciae* for the previous year is missing from Livy's account, it appears that this repeats the pattern of the end of 214. In both of these cases Livy uses the word *fines*, which means 'boundaries' or the territory marked by them, and it seems clear that there was indeed a frontier at this point between the earlier *provincia Sicilia* and the Syracusan kingdom, which became itself a *provincia* once the Romans were engaged in warfare against the city. The other clear evidence of a provincial boundary in Livy's account of this period comes in 197, when for the first time two praetors were sent to the Spanish *provinciae*, M. Helvius to Hispania ulterior and C. Sempronius Tuditanus to Hispania citerior. These men were ordered to fix the boundaries (*terminare*) of what was to be regarded as each of the two *provinciae*.⁴⁵

Here are undoubtedly *fines* and *termini* of *provinciae*, and it is probable that in at least the last two of these instances, such language was used in the official reports emanating from the senate; but, in view of the picture of a *provincia* that I have noted in Livy's accounts of their allocation, it is worth asking what these boundaries were meant to bound.

In the first passage the boundary mentioned lies between the *provincia* to which the Romans had sent praetors since 227 and the kingdom over which Hiero II had ruled until his death. The territory

⁴⁴ Livy 24.44.4: 'prorogata imperia provinciaeque, M. Claudio Sicilia finibus eis quibus regnum Hieronis fuisset, <P.> Lentulo propraetori provincia vetus.'

⁴⁵ Livy 32.28.11: 'et terminare iussi qua ulterior citeriorve provincia servaretur'. The use of the verb *servare*, which usually means 'keep', 'save' or 'watch over' may seem odd here, but it is used in a similar sense by the elder Pliny (*HN* 3.56, 3.62 and 4.68). On this boundary, see Richardson (1986), 77–8.

of the king had been guaranteed to him in the treaty made with the Romans when in 263 he had come over to the Roman side in the early stages of the first Punic war, and this treaty had been renewed in 248, with the removal of the indemnity which had earlier been paid by Hiero.⁴⁶ It was in the course of his attempt to get this treaty renewed with Hieronymus after the death of his grandfather that Ap. Claudius was confronted in 215 with the pro-Carthaginian stance of the young king.⁴⁷ It seems highly probable that the limit to which Livy refers is therefore that which was placed on the exercise of *imperium* by the holder of *provincia Sicilia* within the territory of an ally whose lands had been assured to him by a full treaty.⁴⁸ Under these circumstances a boundary between the two is hardly surprising. This was of course no longer the situation in 214 or 213, by which time the boundary had become a dividing line between two *provinciae*. The same is true of the obligation placed on the praetors sent to the Spanish *provinciae* in 197, where Livy explicitly states that they were to delimit what was Hispania ulterior and what Hispania citerior.⁴⁹ Moreover, although this demarcation seems to have made little or no difference to the activities of the commanders in Spain, who over the next few years were frequently to be found fighting in what was properly the territory assigned to their colleagues,⁵⁰ one incident shows that at least the senate saw this as a significant boundary between the areas in which they might properly exercise their *imperium*. When M. Helvius, the praetor sent to Hispania ulterior in 197, eventually returned to Rome in 195, he claimed a triumph for a victory fought against the Celtiberians, as he proceeded from his *provincia* to the

⁴⁶ Polybius 1.16.9; Diod. Sic. 23.4.1. On the renewal in 248, Zonaras 8.16.

⁴⁷ Polybius 7.3.1, 5.1; Livy 24.6.4.

⁴⁸ Walbank (1957), 68–9, points out that this was technically a *foedus aequum*.

⁴⁹ Livy 32.28.11: 'et terminare iussi qua ulterior citeriorve provincia servaretur'.

⁵⁰ Richardson (1986), 88–9, 96–8.

camp of the consul Cato, for which he had used troops provided by his successor as praetor in Hispania ulterior, Ap. Claudius Nero.⁵¹ The senate refused him a triumph, on the grounds that he had fought under someone else's auspices and in someone else's *provincia*,⁵² and instead allowed him the lesser celebration of an *ovatio*. Although Helvius still held proconsular *imperium*,⁵³ his victory had been won in Hispania citerior and with forces under Nero's command. For the senate at least the boundary between the two *provinciae* was a live issue.

The common element which links these three passages from Livy is that in each case the boundary of the *provincia* sets a limit on exercise of power by the magistrate or pro-magistrate to whom it is allotted. This is also the import of one other more generalised passage in Livy which refers to the boundaries of *provinciae*. When in 207 the consul C. Claudius Nero, facing Hannibal in the south of Italy, gained intelligence of Hasdrubal's intention of marching south from Umbria to join his brother, he decided to join M. Livius Salinator in the north. Livy, describing Claudius' reasons for making this decision, states that the consul thought that this was not a point at which a commander should be restrained by the usual conventions to the limits of his own *provincia* to fight with his own forces against the enemy prescribed by the senate.⁵⁴ Once again, the *fines* of the *provincia* are boundaries on the exercise of the magistrate's

⁵¹ Livy 34.10.1–7.

⁵² Livy 34.10.5: 'causa triumphi negandi senatui fuit quod alieno auspicio et in aliena provincia pugnasset.' Compare the senate's reaction in 171 to the attempted incursion by the consul C. Cassius Longinus from the *provincia Gallia* into Macedonia, which was held by his colleague, P. Licinius Crassus: 'senatus indignari tantum consulem ausum, ut suam provinciam reliqueret, in alienam transiret' (Livy 43.1.9).

⁵³ As seen in the record of his *ovatio* in the *Fasti Urbisalvienses* (Degrassi, *Inscr. Ital.* 13.1.338).

⁵⁴ Livy 27.43.6: 'tum Claudius non id tempus esse rei publicae ratus quo consiliis ordinariis provinciae suae quisque finibus per exercitus suos cum hoste destinato ab senatu bellum gereret.'

imperium rather than the frontiers of an administrative area; and it is worth noticing that on this occasion the *provinciae* of the consuls, as given in Livy's account of the annual provincial allocations, were respectively 'against Hannibal, the Bruttii and Lucani' and 'Gallia against Hasdrubal',⁵⁵ in both cases describing the area in which *imperium* was to be exercised and the task to be carried out.

The boundaries of *provinciae* at this stage of the Roman republic are of course geographical, but seem to be limitations on the use of the holder's *imperium* rather than of territory of the Roman Empire.⁵⁶ Good fences make good neighbours, as the New England farmer remarks in Robert Frost's poem,⁵⁷ but in this case the neighbours on both sides of the fence appear to be Roman commanders, or a Roman and a treaty-based ally. That, after all, is what might be expected at a period when a *provincia* was seen as the task assigned by the senate to a holder of the essentially unrestricted power given to a magistrate or pro-magistrate, not least to avoid problematic clashes between two such *imperia*.

Before leaving Livy's accounts of the allocation of *provinciae* in the late third and early second centuries, it is worth noting that predominant use of the word *imperium* in such reports relates to the power of the individual magistrates and pro-magistrates.⁵⁸ In the passage examined above for the allocation of 202 (Livy 30.27.1–12), the word is used four times, of which three are about the *imperium*

⁵⁵ Livy 27.35.10: 'provinciae iis non permixtae regionibus, sicut superioribus annis, sed diversae extremis Italiae finibus, alteri adversus Hannibalem Bruttii et Lucani, alteri Gallia adversus Hasdrubalem quem iam Alpibus adpropinquare fama erat, decreta.'

⁵⁶ That is not of course to say that the Romans had no concept of boundaries of other sorts. Polybius refers to limits on sailing in the first treaty with Carthage (3.22.5) and on the treaty with the Illyrians in 228 BC (2.12.5); and to limit Carthaginian military movements in the Ebro treaty (3.27.9). The word *finis* also occurs in a very early inscription from Samnium (*ILLRP* 7).

⁵⁷ Robert Frost, *Mending Wall*, in *The Poems of Robert Frost* (New York, 1946), 35–6.

⁵⁸ In books 21 to 45, 149 of the 408 uses of the word *imperium* are of the power of an individual magistrate or pro-magistrate (36.52%). See further, chapter 4.

of individuals and one refers to the power of the people in a way that suggests that Livy is thinking about the *res publica* as a whole. Whereas the first three are all part of the record of the allocation process,⁵⁹ the last is a comment which appears to come from Livy himself on the overall situation at the time. It is hardly surprising that in such a context, where the business of the senate was about the allotment of *provinciae* to holders of *imperium*, this sense of the word should be the more frequent; but this pattern of usage confirms the close linkage between the idea of *provincia* and the person to whom that *provincia* has been assigned. The other usage, however, is different: in what seems to be an observation, following on the listing of armies and *provinciae* which he has given, Livy comments that in this year the *imperium* was defended by not more than sixteen legions.⁶⁰ In so far as the word means 'power' in this context, the power must be that of the Roman people as a whole, rather than that of any particular magistrate; and indeed the general sense of the passage suggests that what is meant is the entire Roman state, rather than simply its power. As we shall see, this is a usage which is common in Latin literature from the Ciceronian period onwards but appears hardly at all in the admittedly small and fragmentary survivals from the second and early first centuries.⁶¹ This suggests that this sentence in the passage under consideration is indeed an authorial comment by Livy rather than part of the language of the senatorial allocation.

The centrality of the *imperium* of the magistrate and pro-magistrate in the process of provincial allocation can also be seen

⁵⁹ 30.27.5 ('parique imperio cum P. Scipione imperator esset'); 30.27.6 ('in eadem provincia et C. Servilio prorogatum imperium si consulem manere ad urbem senatui placuisset'); 30.27.9 ('ceteris ita uti quisque obtinebant provincias exercitusque prorogata imperia').

⁶⁰ 30.27.10 ('sedecim non amplius eo anno legionibus defensum imperium est').

⁶¹ See below, pp. 156–7 and pp. 71–2.

in other parts of the senate's handling of foreign affairs. One of the most notable is the award of a triumph or *ovatio* to a commander, returning from a successful campaign in his *provincia*. The great procession through the streets of Rome up to the temple of Jupiter on the Capitol was perhaps the most prestigious event in the political and military career of a Roman in public life, combining recognition by the state (in that permission from the senate for an *imperium*-bearing commander to enter the city was always necessary unless the commander was also currently holding the consulship) with religion and spectacle. Not surprisingly, the early second century saw both an increase in the number of such celebrations and attempts by the senate to control awards.⁶² It is clear from the accounts of arguments over the granting of permission to triumph or celebrate an *ovatio* that the *imperium* of the commander was of central importance. Not only was the ability of the senate to grant or deny the extension of the returning pro-magistrate's *imperium* to allow entry to the city while in command of his army the mechanism by which that body was able to determine who should be permitted to celebrate, but there are clear signs of ongoing arguments about the necessity of the commander's holding appropriate *imperium*, especially during the last decade of the third century and the first decade of the second. Livy records that the future Scipio Africanus, on his return from his defeat of the Carthaginians in Spain in 206, applied for a triumph but was refused, on the grounds that no one up to that time had triumphed who had acted while not in possession of a magistracy.⁶³ A similar argument was deployed when L. Cornelius Lentulus, who was one of the two

⁶² See Richardson (1975); and on the significance of the triumph, Beard, North and Price (1998), 1.44–5 and 142–3.

⁶³ Livy 28.38.4: 'neminem ad eam diem triumphasse qui sine magistratu res gessisset'. Polybius, 11.33.7, and Appian, *Hisp.* 38.156 both indicate that Scipio was allowed a triumph, but this is probably erroneous (see Walbank (1967), 311; Richardson (2000), 136).

men who replaced Scipio in Spain in 206, returned in 200, though he, after some opposition, was allowed an *ovatio*.⁶⁴ That the senate's position was changing was confirmed by the award of a triumph to the praetor, L. Furius Purpureo, who in the same year returned from the *provincia Gallia* in northern Italy. Furius thereby became the first non-consular with an independent command to be allowed a triumph. In the next thirty years, eighteen such non-consular triumphs were celebrated.⁶⁵

The practice of the senate in awarding triumphs and *ovationes* shows more than the importance of *imperium* in assessing the suitability of returning commanders for such a celebration. A triumph was the ultimate accolade, marking a holder of a *provincia* as notably successful in the senate's eyes, and giving (especially in the early second century) a strong boost to the *triumphator's* subsequent career. Of the ten praetorians who celebrated a triumph or an *ovatio* on their return from the Spanish *provinciae* in the period between the return of the first praetors in 195 and that of Ti. Sempronius Gracchus and L. Postumius Albinus in early 178, seven subsequently reached the consulship. As the norm during this period was for one in three praetors to become consul, the award of a celebration was obviously significant. This makes the reasons for such an award by the senate highly interesting.

The initiative for the granting of a triumph came from the commander himself, either on his return to Rome from his *provincia*, or (more often) by a message sent before he left it. At least by the early second century, when we have Livy's account of the business of the senate, it is clear that a number of criteria had been formulated to determine whether a triumph would be justified, whether only an

⁶⁴ Livy 31.20.1–7.

⁶⁵ See Richardson (1975), 53–4. In 241 Q. Valerius Falto, praetor in 242, had triumphed after the battle of the Aegates Islands, along with C. Lutatius Catulus, consul in 242.

ovatio would be allowed, or whether there were no grounds for a celebration at all. By the first and second centuries AD these criteria appear to have been sufficiently well known and established to form a quasi-code, which lies behind Valerius Maximus' chapter *de iure triumphandi* and Gellius' remarks on the *ovatio*.⁶⁶ One of these criteria is particularly interesting in the present context. When in 211 M. Claudius Marcellus returned from Sicily, he requested a triumph but was refused on the grounds, urged by his political opponents, that he had left his army behind for his successor in the *provincia*, thus showing that the war had not been fought to a finish. According to Livy,⁶⁷ he was allowed only an *ovatio*, though he also celebrated an unsanctioned triumph on the Alban Mount, for which he did not need senatorial approval. Over the following quarter of a century similar arguments were put in the senate, though the requirement that an army should have been brought home was not sufficient to deny an aspirant *triumphator* his celebration.⁶⁸ In 185, however, L. Manlius Acidinus, returning from Hispania citerior was allowed only an *ovatio*, on the grounds that tradition had it that no one should triumph if they had not brought back their army, unless they had handed over their *provincia*, conquered and pacified, to their successor.⁶⁹ In the following year the two commanders about to return from the Spanish *provinciae* took the precaution of sending ahead to ask permission to bring home their forces, only to be met by an understandable objection from the two praetors who had just been allocated as their successors.⁷⁰ A compromise was reached on this occasion, but in 180 the request of Q. Fulvius Flaccus that he should

⁶⁶ Val. Max. 2.8; Gellius, *NA* 5.6.20–23. ⁶⁷ Livy 26.21.1–6.

⁶⁸ Thus in the cases of L. Furius Purpureo in 200 (Livy 31.49.1–3, 8–11) and M'. Acilius Glabrio in 190 (Livy 37.46.1–6).

⁶⁹ Livy 39.29.5: 'comparatum more maiorum erat, ne quis, qui exercitum non deportasset, triumpharet, nisi perdomitam pacatamque provinciam tradidisset successor.' ⁷⁰ Livy 39.38.4–12.

be allowed to bring back his troops from Hispania citerior was again resisted strongly, on this occasion by Ti. Sempronius Gracchus, the newly allotted praetor of the *provincia*, on the grounds that he could hardly be expected to govern a warlike area with a newly recruited army.⁷¹ Once again a compromise was arranged, but it must have been clear that an insistence on the requirement that the army be removed from a *provincia* would effectively prevent any commander who returned from an area such as Spain, where continuous fighting was in prospect, from ever celebrating a triumph. It is therefore not surprising that the criterion of the bringing back of an army (*deportatio exercitus*) disappears from debates about the award of triumphs after this occasion and is not included in the discussions of Valerius Maximus and Gellius. Instead Valerius mentions a requirement that at least five thousand of the enemy should have been killed in one engagement, which probably came in after a notorious event, also in 180 BC, when the two consuls of 181, P. Cornelius Cethegus and M. Baebius Tamphilus, were allowed to celebrate a triumph for having moved a large number of Ligurians from their homeland without shedding blood at all.⁷²

These disputes and the apparent change of policy by the senate over its criteria for the award of a triumph throw a sharp light on the way in which *imperium* was related to the expansion of empire in the late third and second centuries BC. The triumph, which was the ultimate reward for the successful use by a magistrate or pro-magistrate of his *imperium*, was granted for military success, not for empire-building. The complaints of Ti. Gracchus in 180 show clearly enough that *deportatio exercitus* was seen to be antithetic to the establishment of stable conditions in the *provinciae*; and yet the criterion which seems to have replaced it again rewarded military

⁷¹ Livy 40.35.3–36.12. ⁷² Livy 40.38.9. Cf. Rotondi (1912), 279; Richardson (1975), 61–2.

prowess alone. The implication is clear: the senate, in approving the celebration of a triumph, was commending the returning general for his success as a slayer of the enemy rather than his contribution to the expansion of a territorial empire. It was the personal glory of the *triumphator* as a successful leader in battle which was the object of the exercise and thus his success as a leader which was the crucial criterion. Another dispute, as Livy reports it, confirms this.⁷³ In 191 P. Scipio Nasica as consul was allotted as his *provincia* the tribe of the Boii in northern Italy. He defeated them in battle and then dismissed his army, ordering it to meet him in Rome on the day of his expected triumph. In the meeting of the senate, however, which had been convened to discuss his request for a triumph, a tribune of the plebs argued that Scipio should have left his army in the north of Italy, in order to help the proconsul, Minucius Thermus, who was still engaged in war in the adjoining *provincia* of Liguria. Scipio rejected this argument, on the grounds that Liguria had not been his *provincia* and that it was over the Boii that he was requesting a triumph. They had surrendered to him, but, much more importantly, he had killed thousands of them in battle. Moreover, it was not just for his own glory that he was asking for a triumph: he had in 205 been chosen as a youth as the best man in Rome to receive the stone which was worshipped as the Great Mother, and that gave greater glory than either the consulate or a triumph. The consul was awarded his triumph and the tribune was prevailed upon to withdraw his veto.

Scipio's argument, at least as Livy gives it, reveals both the disjunction between the considerations of Roman foreign policy and the criteria for the award of a triumph, and the essential focus of the triumph on the individual holder of *imperium* and indeed the glory he would attain. Though Scipio disclaimed this last, he did

⁷³ Livy 36.39.3–36.40.11.

so in order to show how far he was above the normal expectations which a Roman noble might be expected to hold. The triumph of a holder of *imperium* was a part of a pattern of notions about *imperium* which dated back to a period when victory in battle was the prime objective of the senate and people of Rome, and thus of the generals whom they elected and sent out to their individual tasks, their *provinciae*. None of the criteria for its award related to the establishment or governance of a territorial empire. Although a returning commander not infrequently reported on the large sums of cash and bullion that they had brought back with them, these are invariably represented as booty, seized from a defeated enemy, not the results of fiscal exactions within their *provinciae*.⁷⁴ It was military prowess, not successful administration, which won triumphs.

It was not only in the award of triumphs that the centrality of the magistrate or pro-magistrate and the *imperium* he held can be observed in the dealings of Rome with external peoples and the development of policy towards them. The main way, for example, by which control was exercised over the governance of the *provinciae* was through the *quaestio de repetundis*, which allowed provincials who were not Roman citizens access to a court in Rome in which Roman officials could be prosecuted for improper seizure of monies. The court was established as the first permanent *quaestio* (that is, a process presided over by a magistrate with a large panel of jurors who determined the verdict) under the *lex Calpurnia* of 149 BC, but it is with the revision of the court by the tribune Gaius Gracchus in 123 or 122 that the details of the process become clear.⁷⁵ It is virtually certain that it is Gracchus' law which is preserved in large part on one side of a large fragmentary inscription, known as the *Tabula Bembina*, which, on the other later side, has an agrarian law, dating

⁷⁴ For example, the Spanish *triumphatores* listed by van Nostrand (1937), 129; Richardson (1986), 116–17.

⁷⁵ For the history of the *quaestio de repetundis*, see Lintott (1981).

to 111 BC.⁷⁶ Given the significance of this law, and of the *quaestio de repetundis* in Roman politics and the governing of the emerging empire over the following centuries, this is a fascinating and important document. For the moment, the matter of particular interest is the list given at the beginning of the inscription of those who could be prosecuted under this law. Although the list is not complete, owing to the breaks in the bronze tablet, it is clear that it consists of all those who hold *imperium* or a magistracy within the Roman system listed in order of precedence, with the addition of the sons of such magistrates, if the magistrates are senators.⁷⁷ That is to say, only those who acted on behalf of the Roman people (or the sons of the more important of these)⁷⁸ could be prosecuted. Moreover, a subsequent clause explicitly exempts these same *imperium* and office holders from prosecution while they hold their *imperium* or magistracy.⁷⁹ The object of this law is clearly not to stop a commander in a *provincia* from misbehaving, but to punish him if he does so. The way in which this statute is framed shows that what happened in the *provincia* was the business of the *imperium*-holder, and only indirectly that of the senate and people of Rome. The *lex de rebus repetundis* was not a piece of administrative law in the modern sense, but much more akin to civil law: an individual former holder of *imperium* was accused by a person who claimed to have suffered harm at the hands of the accused.⁸⁰ In this respect it was unlike the other courts which operated through *quaestiones perpetuae*. Although

⁷⁶ For the text, translation and commentary of the law, see *RS* no. 1. A fuller commentary on the two laws by Lintott (1992) is also useful, though his reconstruction of the tablet, and thus of the text of the laws, is faulty (see *RS* 45–51).

⁷⁷ *Lex repetundarum* (*RS* no. 1), line 2.

⁷⁸ It may be that the reason for this is that anything acquired by a son while his *paterfamilias* is alive legally belongs to the *pater* (Gaius, *Inst.* 2.86–7).

⁷⁹ *Lex repetundarum* (*RS* no. 1), line 8.

⁸⁰ As Jones (1972), 50–1, notes, ‘the court of *repetundae* in this early stage of its development has a curious blend of public and private legal procedure’, of which the ability of none but the injured party to bring the charge is an element from private law.

all such (including the *quaestio de repetundis*) were *iudicia publica*, the *repetundae* court differed in that it did not follow the normal rule, which according to Justinian was the reason for the name *iudicia publica*, that any member of the populace could set them in motion.⁸¹ The process under the *lex Calpurnia* of 149 used a form of action which was derived from an action in private law, the *legis actio sacramento*, which indicates that what was envisaged was a reinforced form of the remedies available at law to those who had been wrongfully deprived of their possessions. Similarly the penalty under the law of the *Tabula Bembina* was the payment of twice what had been wrongfully taken, and the provision that in cases of wrongful seizure committed before the passing of the law the restitution should be simple rather than double indicates that the *lex Calpurnia* and the *lex Iunia* which preceded it provided for no more than the return to the accuser of what had been taken.⁸² All this suggests that the originators of the *quaestio de repetundis* in 149 and the drafters of the law of the *Tabula Bembina* saw their legislation as providing a means for those who had been wronged by a holder of *imperium* to recover what they had lost from the individual who had taken it, rather than any systematic attempt to ensure good governance in the *provinciae*. It is of course true that such laws will have been intended to deter the sort of behaviour which might lead to accusations being made, but that deterrence seems to have been aimed at the misbehaviour of those who exercised *imperium* rather than an imposition of standards of good administration.

⁸¹ Justinian, *Inst.* 4.18.1: 'publica autem dicta sunt, quod cuivis ex populo executio eorum plerumque datur.' It is likely that Justinian is here quoting a jurist of the second or third century AD (Jones (1972), 47), and it may be that the proviso implicit in *plerumque* relates not to there being some courts for which the general rule is not true but to the exclusion of some members of the *populus* from acting except in exceptional circumstances, including women, soldiers and those holding magistracies (see *Dig.* 48.2.8–13).

⁸² *Lex repetundarum*, lines 58–9. See further Lintott (1992), 141.

In the last decades of the second century there appeared other attempts to control what was happening in the *provinciae*, and these also seem based on the notion of limiting the freedom of action of the holders of *imperium*. The most radical of these is a statute, surviving in two fragmentary translations into Greek, discovered at Delphi and at the Ionian city of Cnidos.⁸³ This law may be dated to 100 and is probably the work of a group of *popularis* politicians, led by L. Appuleius Saturninus, who was tribune of the plebs for the second time in that year. It assigns the *provinciae* of Cilicia and Macedonia to praetors and may well have done the same for other *provinciae* in the same area. In so doing, it takes on a task which, as we have seen, was normally performed by the senate; and it goes further, in that it also makes detailed provision for the troop movements, collection of taxes and jurisdiction which those holding the *provinciae* should see to, and for letters to be sent to various allies by the senior consul in Rome and the magistrate (or pro-magistrate) holding the *provincia* of Asia.⁸⁴ All these requirements are, of course, imposed upon holders of *imperium* and seem to be an attempt to regulate the course of Roman policy in these areas in a way which was normally left to the senate and the magistrates and pro-magistrates. There are also signs within the document that such attempts to restrict the freedom of *imperium*-holders were not confined to particular *ad hoc* situations, such as those with which this law was concerned. In a section of the law dealing with actions forbidden to magistrates and pro-magistrates, a reference is made to a statute 'which M. Porcius Cato as praetor passed three days before the Feralia'.⁸⁵

⁸³ Text, translation and commentary in *RS* no. 12.

⁸⁴ Troop movements: Cnidos, col. II, lines 12–31; tax collection: Cnidos, col. IV, lines 5–30; jurisdiction: Cnidos, col. IV, lines 31–9; correspondence: by the senior consul, Cnidos, col. III, lines 28–41, by the praetor in Asia, Delphi, block B, lines 20–7.

⁸⁵ Cnidos, col. III, lines 3–15.

The date of this law is 19 February (three days before the feast which on 21 February marked the end of the period in which the Romans celebrated their ancestors), but in the law of 100 there is no indication of in which year the *lex Porcia* was introduced, though it is probable that it dates from the period following the passing of the Gracchan *repetundae* law.⁸⁶ The passage of the law of 100 makes it clear that the content of the *lex Porcia* included a ban that prevented a magistrate or pro-magistrate from marshalling an army, marching or travelling outside his *provincia*, unless as the result of an explicit decree of the senate, for purposes of transit or for reasons of state. A reference to the same law in a later statute, granting privileges to the city of Termessus Maior in Pisidia, shows that the *lex Porcia* also imposed restrictions on what a magistrate or pro-magistrate could requisition from an allied city.⁸⁷ It is evident that this law, unlike the law of 100 or the law on Termessus, was general in its application, and its provisions (or at least those we know about) were to reappear later in Sulla's *lex Cornelia de maiestate* and the *repetundae* law which Caesar passed in his first consulship in 59.⁸⁸ Though we know nothing of the context of the passing of this law, nor of the political motives which may have inspired M. Porcius Cato to propose it, it does seem to belong to a general concern apparent in the last half of the second century to impose limitations on what was happening in the overseas *provinciae*.⁸⁹ It is notable, given this increase in the attention being paid to what was to become the Roman Empire both by the senate and by politicians such as Saturninus and his associates, that such limitations are exclusively and invariably on the actions of those who held *imperium*.

⁸⁶ See Ferrary (1998), who dates the law to the 120s.

⁸⁷ *Lex Antonia de Termessibus* (RS no. 19, col. II, lines 13–17). ⁸⁸ Cicero, *Pis.* 50 and 87.

⁸⁹ For a similar pattern in senatorial attitudes towards what was happening in the Iberian peninsula, see Richardson (1986), 149–55 and 166–71.

It is not only in the legislation passed by the popular assemblies in Rome that centrality of the *imperium* of magistrates and pro-magistrates to the imperial and imperialist activity of Rome can be seen. It emerges clearly on occasions when the Romans announce that they will not act, most notably when rewarding loyal allies by granting the status of *amici* (friends) of the Roman people and declaring them 'free'. This is what is happening in the inscribed *lex Antonia de Termessibus*, already mentioned,⁹⁰ and a later case is to be found in two documents relating to 39 BC from among the inscriptions found at Aphrodisias.⁹¹ Although the extent of grant of *libertas* differs in these two inscriptions (and the flexibility of the notion of 'freedom' meant that it could be deployed by the Romans in a variety of ways and contexts), several of the same types of exemption appear in both. Thus, while the Termessians are guaranteed possession of their property (necessary in the confusion which followed the war with Mithridates of Pontus)⁹² and the Aphrodisians are exempt from taxation (probably because of their loyalty in the war against Labienus),⁹³ in both cases the two cities are assured the use of their own laws,⁹⁴ and in both Roman magistrates and pro-magistrates are forbidden from billeting troops in winter quarters in the cities.⁹⁵ Jurisdiction and the command of troops are, of course, two of the major functions of Roman magistrates and pro-magistrates. What we see in these documents is an illustration of the significance of the grant of the status of *civitas*

⁹⁰ *RS* no. 19.

⁹¹ Reynolds (1982), nos. 8 and 9. Similar actions provide the background to the honorary decrees for Menippos (Robert and Robert (1989), Menippos decree col. 1, lines 37–40) and for Menodorus (Wörrle (2000), lines 17–22), both from the *provincia Asia* in the late second century BC.

⁹² *RS* no. 19, lines 27–35. ⁹³ Reynolds (1982), no. 8, lines 21–32.

⁹⁴ *RS* no. 19, lines 8–11; Reynolds (1982), no. 8, lines 46–8 and 61–2. Cf. the similar provision of the *SC de Stratonicensibus* of 81 BC (*RDGE* no. 18), lines 91–2.

⁹⁵ *RS* no. 19, lines 6–17; Reynolds (1982), no. 8, lines 32–6, and no. 9, lines 2–6.

libera.⁹⁶ To be 'free' in terms of such a grant meant being free from the attentions of a holder of *imperium*.

It is, of course, hardly surprising that in such official contexts the focus of attention is the magistrate or pro-magistrate. The activity of the Roman people overseas consisted of the tasks which these individual *imperium*-holders carried out, and the *provinciae* were those tasks. As we have seen, the point at which a *provincia* came into being was at the allocation of portfolios by the senate to those who were to hold *imperium* in the following year, and, as we shall see, this pattern continued until the reign of Augustus.⁹⁷ The creation of a *provincia* was not, at least in the context in which it took place, the seizure of a piece of territory or an extension of a world empire but the defining of the responsibilities of an *imperium*-holder as he entered office or began a new period as a pro-magistrate. The central notion around which the senate's understanding of Roman imperialism revolved was that of the *imperium* of individuals, and thus of their *provinciae*. That is not to say that the *imperium* of the magistrate was the only notion of *imperium* current among the governing elite of Rome in the second century. The elder Cato, addressing a speech to the senate in 167 BC in which he defended the behaviour of the people of Rhodes during the war against Perseus, argued that the Rhodians had not wanted to see the Romans completely defeat Perseus, fearing that 'sub solo imperio nostro' they should find themselves enslaved to the Romans.⁹⁸ This is not an 'official' usage, in the same sense as that in documentary sources, where in this period *imperium* invariably relates to the power of an *imperium*-holder.⁹⁹ As we shall see, Cato's

⁹⁶ So Brunt (1988), 293: 'But all [communities] which had a treaty relationship with Rome or possessed a charter conferred by people or senate were, at least in theory, exempt from arbitrary interference in their own internal affairs by the holders of Roman *imperium*.' See also, Ferrary (1988), 211–12.

⁹⁷ See below, pp. 137–8. ⁹⁸ Cato ap. Gellius, *NA* 3.6.16 (= *ORF* no. 8.164).

⁹⁹ *Lex repetundarum* (*RS* no. 1), lines 8, 9, 72 and 87; *lex agraria* (*RS* no. 2), line 87; *lex Lat. Tab. Bant.* (*RS* no. 7), lines 16 and 19; *Frag. Tar.* (*RS* no. 8), line 7; *Falerio fr. II* (*RS* no. 18), line 4.

language is closer to that of other literary writers of the period; but it is clear that in this speech *imperium* is not used of the power of a magistrate or pro-magistrate but of the Roman people as a whole. It is also clear, however, that what is being referred to is not 'empire', in a territorial sense but the ability of the Roman state to control and issue orders; and it is worth noticing that the phrase *imperium populi Romani* does not appear in any context until the very end of the period we are examining, when it is used in a passage from the rhetorical handbook known as the *Rhetorica ad Herennium*, dating from the late 80s BC.¹⁰⁰ Down to the end of the second century, so far as our evidence allows us to see, the predominant (and perhaps only) use of the word *imperium* in official contexts is for the power vested in a magistrate or pro-magistrate, and although to some extent the nature of that *imperium* itself had changed, partly through the use of larger commands, most notably those of Marius in the last decade of the century, and partly through legislative attempts to control *imperium*-holders (such as the *lex Porcia* and the law of 100 BC), the pattern of usage seems to have remained the same.

The same seems to be true of the word *provincia*. In Latin epigraphic 'official' documents from this period, *provincia* is used usually of the responsibility of the urban quaestor, who was in charge of the treasury.¹⁰¹ It appears only once, in the *lex agraria* of 111, in a fragmentary line which refers to any *praefectus* or soldier who is in the future in the *provincia*, and which probably forbids such people from purchasing land in such an area.¹⁰² This too, though probably referring to the geographical area of the province, relates

¹⁰⁰ *Rhet. Her.* 4.13: 'Quis hoc credet, tantam amentiam quemquam tenuisse, ut imperium p. R. temptare auderet nullis copiis fretus?'

¹⁰¹ *Lex repetundarum* (RS no. 1), lines 67, 68 and 69; *lex agraria* (RS no. 2), line 46; *lex Cornelia de xx quaestoribus* (RS no. 14), col. 1, line 1.

¹⁰² *Lex agraria* (RS no. 2), line 55: '[p]raefectus milesve in provinciam e[rit]'. See Lintott (1992), 251 and RS 171.

to the command of the *imperium*-holder who was responsible for the military personnel in that area. More notably, the rest of the *lex agraria*, although dealing extensively with land of different categories in Roman Africa, nowhere uses *provincia* to denominate the area: the term is not applicable because the law is not about the responsibility of the magistrate or pro-magistrate who holds the *provincia Africa*.

Neither *imperium* nor *provincia* appears as such in Greek official documents, and it seems from translated documents that *imperium* was sometimes represented by a periphrastic reworking of a phrase;¹⁰³ but the word used as a translation for *provincia*, *eparcheia* (ἐπαρχεία), is to be found already in the second century. In the law on praetorian provinces of 100 BC it occurs several times,¹⁰⁴ and in each case the reference is to a geographical entity which is the responsibility of a Roman magistrate or pro-magistrate. This is only to be expected, given the subject of the statute, which concerns itself with the allocation of *provinciae* in Anatolia and Macedonia and the activities of those in charge of these areas. One clause in the law makes it clear that for the legislator there was a distinction between a piece of territory and the *provincia* which bore its name: in a section which follows the reference to the *lex Porcia* noted above,¹⁰⁵ it is stated that ‘nothing is enacted in this statute to the effect that the praetor or proconsul holding the *provincia* Asia should not hold

¹⁰³ So ὁ δῆμος ὁ Ῥωμαίων καὶ οἱ ὑπ’ αὐτοῦς τασσόμενοι in the treaty with Maroneia from the 160s BC (*SEG* 35.823) seems to stand for *populus Romanus quive sub imperio eius erunt* (so P. S. Derow, in Hornblower and Spawforth (1996), 752). Compare a similar use in the Astypalaea treaty of 105 BC (*RDGE* no. 16, lines 32–3).

¹⁰⁴ *RS* no. 12, Cnidos, col. II, lines 12–15 and 20; Delphi B, lines 20–1 and 27–30; Cnidos, col. III, lines 3–12, 22–5 and 35–7; col. IV, lines 24–30 and 31–3; Delphi C, line 8; Cnidos, col. V, lines 4 and 6. A similar usage is found in decrees from the Greek city of Claros in the *provincia Asia* in the late second century (Robert and Robert (1989), Ptolemaios decree, col. II, lines 48–53; Ptolemaios decree, col. II, lines 53–8; Menippos decree, col. I, lines 36–40; Menippos decree, col. II, lines 2–7).

¹⁰⁵ See above, pp. 40–1.

Lycaonia or that the *provincia* Lycaonia should not be his, just as it was before the passing of this statute'.¹⁰⁶ The distinction being drawn here is between the *imperium*-holder who has the *provincia* of Asia also having control of the territory of Lycaonia and his having been allotted the *provincia* of Lycaonia in addition to that of Asia.¹⁰⁷ The usage of *eparcheia* in this legislative context seems to conform to that which we have seen in 'official' instances throughout the second century.

In the Greek translations of decrees of the senate from the early first centuries and a citation of a law from the 70s BC preserved in the inscription from Ephesus of the *portorium* of the *provincia* of Asia, the pattern appears to be the same.¹⁰⁸ In each case the word *eparcheia* refers to an area which is under the control of a Roman magistrate or pro-magistrate. The Asian tax law also refers to the 'free boundaries' of the *provincia* in a context which contrasts these with the sea coast of the area, and it is possible that this refers to the edges of the *provincia*, which comprised the former kingdom of the Attalids of Pergamum, which do not abut the *provincia* of another Roman *imperium*-holder.¹⁰⁹ If so, this new terminology may be an

¹⁰⁶ *RS* no. 12, Cnidos III, lines 22–7: στρατηγὸς ἀνθύπατος τε ὁ {ς} τὴν Ἀσίαν ἐπαρ|χείαν διακατέχων, οὗτος ὡς ἔλασσον Λυ|καονίαν διακατέχηι ὡς τι ἔλασσον τοῦτου | ἡ ἐπαρχεία Λυκαονία <ἡ>, καθ' ὥς καὶ πρὸ τοῦ τοῦ|τον τὸν νόμον κυρωθῆναι ὑπῆρχεν, ἐν τούτῳ νόμῳ οὐκ ἠρώτηται.

¹⁰⁷ So Badian (1988), 213–15. Crawford, *RS* 261, thinks that this clause shows the presence of two meanings of *eparcheia* (*provincia*) at this date; but this does not explain why Lycaonia needs to be referred to in two ways in the same sentence, once simply by name and once as a *provincia*.

¹⁰⁸ *SC de Stratonice*. (81 BC) (*RDGE* no. 18), lines 76–7 and 114–15; *SC de Thas*. (80 BC) (*RDGE* no. 20), line G 10; *SC de Asclepiade* (78 BC) (*RDGE* no. 22), line 29; *lex de port. Asiae* (citation of law of 75 BC) (*Epig. Anat.* 14 (1989)), lines 32–3, 34–5, 39–40 and 43–4.

¹⁰⁹ *Lex de port. Asiae* (*Epig. Anat.* 14 (1989)), 34–5: καὶ ἐπὶ ἀγχιθάλάσσου δὲ παραποντίας, καὶ περὶ τοὺς ἔλευθ' ἐρους ὅρους τῆς ἐπαρχείας, ἐὰν βούλων[|ται]. Compare Cicero's observation that, as a result of Pompeius' conquests in Asia Minor 'Asia, quae imperium antea nostrum terminabat, nunc tribus novis provinciis ipsa cingatur' (*Prov. cons.* 31).

extension of the meaning of the boundaries of a *provincia* which has been noted above.¹¹⁰

There is, however, another usage of *eparcheia* which is found in a letter, probably sent by Lucius Mummius to the guild of Dionysiac Artists in 146 BC, in which there is a mention of ‘the *eparcheia* of the Romans’, which has (probably wrongly) been assumed to refer to Macedonia.¹¹¹ This, however, does not sound like a *provincia* at all: neither ‘the *eparcheia* of the Romans’ nor *provincia Romanorum* occurs in any other source, epigraphic or literary, of this period referring to a *provincia*, but it can be found in literary sources which clearly are not about *provinciae*. The word *eparcheia* or *eparchia* first occurs in the late third and early second centuries, when it is used by Philo, the writer on siege works, to mean a body of troops, and by the Neapolitan historian Eumachus (cited by the second century AD paradoxographer, Phlegon of Tralles) of the area around the city of Carthage.¹¹² In both of these cases the meaning of the word is those (or an area) under control. More relevant for this investigation is that it occurs seven times in Polybius; of these, four are about areas controlled by the Carthaginians or Syracusans in Sicily, one about the region in the immediate vicinity of Rome and two about the areas controlled by the Romans and Carthaginians following the treaties which concluded the first Punic war.¹¹³ None of these carries the meaning of *provincia*, and indeed Polybius does not have a

¹¹⁰ See above, pp. 29–30. Michael Crawford has suggested that the Greek is a (rather loose) translation of *qua ire agere licebit*, which occurs frequently in legal sources in the *Digest*, referring to a right of way (see, for instance, *Dig.* 8.3–6 and 45.1).

¹¹¹ *Ep. ad coll. art. Bacch.* (RDGE no. 44), line 2:] τῇ Ῥωμαίων ἐπαρχείᾳ καὶ ἧς ἐπάρχουσ[ιν]. On this inscription, see Bertrand (1982) and Kallet-Marx (1995), 43–4 and 349–52.

¹¹² Philo Byz. *Parasc.* 4.6; Eumachus, *FGrH* 178, F 2 (ap. Phlegon, *Mir.* 18).

¹¹³ Areas of Carthaginian and Syracusan control in Sicily: Polybius, 1.15.10; 1.17.6; 1.38.7; 7.4.2; area round Rome: 2.19.2; areas of Roman and Carthaginian control, in treaties after 241: 3.27.4; 3.29.10.

word which can be so translated.¹¹⁴ This indicates, as might have been expected, that *eparcheia* was a Greek word which had its own history, origin and meaning as an entity under the control or command of some individual or state, which was then applied to the *provinciae* allotted to Roman commanders. When the letter to the Dionysiac Artists was written, however, the word probably meant no more than ‘the area under Roman control’ in a general sense, with the same usage as that found in Polybius. At much the same time it could be used in a Greek context in the sense of *provincia*, as can be seen by a mention of Mummius’ presence in Greece in the record of an arbitration of a land dispute undertaken by the Milesians between the Lacedaemonians and the Messenians, probably in the late 140s, which refers to a period when Mummius was ‘in that *eparcheia*’, but here the usage is that we have already seen, which closely links *eparcheia* (meaning *provincia*) with the magistrate or pro-magistrate who commanded there.¹¹⁵

The evidence of the epigraphic documents, both in Latin and Greek, indicates then a consistent significance for *provincia* (and for *eparcheia* when it translates *provincia*) through the period down to the time of Sulla. It may or may not relate to a geographical area, but it invariably carries the meaning of a responsibility allotted to a holder of *imperium*. It is particularly worth noting this continuity because the notion of what a *provincia* was and what went on under the control of the magistrate or pro-magistrate who held it had changed and developed to a considerable degree during this same period. It was during these years that permanent *provinciae* (in the sense that they were continuously allotted by the senate) first appeared, which led to the development of what were to become the institutions

¹¹⁴ See Richardson (1979), 5.

¹¹⁵ *Syll.*³, 683, lines 63–5: ἐκρίθη κατεισχησθαι αἱ χώρα ὑπὸ Μεσ[σ]ηνίων ὅτε | Λευκίος Μόμμιος ὑπάτος ἢ ἀνθ[ι]π[α]τος [ἐ]ν ἐκεῖ|νῃι τῇι ἐπαρχείᾳ ἐγένετο.

of Roman provincial government.¹¹⁶ It was also the period within which the Romans first took over wholesale a Hellenistic kingdom, following the bequest by Attalus III of Pergamum in 133. The law on *portorium* from Ephesus now allows a glimpse of the complexities that such a *provincia* involved. Yet for all this, the basic meaning of the word *provincia* and the ideas associated with it, at least in the 'official' and institutional context, seem to have remained much the same: a *provincia* was the task given to a holder of *imperium* by the senate, and, in so far as it had a geographical connotation, that was essentially a description of the nature of that task.

IMPERIUM AND PROVINCIA: THE EVIDENCE OF THE LITERARY SOURCES

If we turn from the institutional framework of senatorial business and the language of official documents to the literary survivals from the period down to the death of Sulla in 78 BC, we find a much more varied set of usages for *imperium* and, to an extent, for *provincia* also. As already noted, this is hardly surprising, given that the extant literature of these years is largely made up of the comedies of Plautus and Terence, along with fragments of orators and historians, who are more concerned with the machinery of the state.¹¹⁷ It is to these writers that we must now look to provide the semantic background to the institutional language that we have been considering, across a chronological range that begins with Plautus and ends with the first of Cicero's works.

Within this period, I have identified ninety-eight occurrences of the word *imperium*, of which eight are in the documentary inscriptions we have been examining thus far.¹¹⁸ In the case of *provincia*,

¹¹⁶ See Crawford (1990) and, for the Spanish *provinciae*, Richardson (1986).

¹¹⁷ See above, pp. 11–12.

¹¹⁸ *Lex rep.* (RS no. 1), lines 8, 9 and 72; *lex agr.* (RS no. 2), line 87; *lex Lat. Tab. Bant.* (RS no. 7), lines 16 and 19; *Frag. Tar.* (RS no. 8), line 7; *Falerio fr. II* (RS no. 18), line 4.

there are twenty-six instances, of which five are from documentary inscriptions.¹¹⁹ Of the remaining ninety uses of *imperium*, it is almost certain that two do not belong to this period at all but are paraphrases by later authors of remarks made by individuals living in the second century, and these will be examined further in due course.¹²⁰ The majority of the uses of both words occur in the poets, with fifty-eight of the eighty-eight certainly contemporary uses of *imperium* and twelve of the twenty-one uses of *provincia*, and it is with these that we begin.

In the writers of comedy the word *imperium* most frequently means simply an order, issued by a superior to an inferior, often a master to a slave. This accounts for thirty-two of the forty-six uses of the word in comedies, of which Plautus has twenty-nine, Terence two, and one occurs in a fragment of Turpilius' *Epicleros*.¹²¹ Sometimes, as in a line from Plautus' *Menaechmi*, the word also carries the meaning of the power to issue such order.¹²² The remaining fourteen instances all carry the meaning of power or authority, whether that of a god or a successful actor, the right to control a slave (in two cases) or the ability to marshal elephants; in two cases, the power is that of a father over his offspring and in another the ability to determine the status of a girl, which might otherwise have been the prerogative of a master or father.¹²³ The other six instances all have

¹¹⁹ *Lex rep.* (RS no. 1), lines 67–9; *lex agr.* (RS no. 2), lines 46 and 55; *lex Cornelia de XX quaestoribus* (RS no. 14), col. I.1–4; *SC de Asclepiade* (RDGE no. 22), line 16.

¹²⁰ They are the remarks attributed to Scipio Africanus by Gellius, *NA* 4.18.3, and to Scipio Nasica by Valerius Maximus, 3.2.17. See below, pp. 52–3 and p. 152.

¹²¹ Plautus, *Amph.* 262; 622; 630–1; 956; 991–2; *Asin.* 146–7; 414–16; 504–5; 509; *Aul.* 587–8; 599–600; *Bacch.* 447–8; 457–9; *Capt.* 198–200; *Cas.* 409; 815–19; *Men.* 868–71; 980–1; 990–1; 1030; *Mil.* 611–13; 1196–9; *Per.* 841–2; *Pseud.* 697–700; 1103–4; *Stich.* 141; *Trin.* 299–300; 301–2; *Truc.* 125; Terence, *Haut.* 631–6; *Ad.* 64–7; Turpilius, *Epiclerus* fr. 12 (R).

¹²² Plautus, *Men.* 1030: ' {Mess.} Nempē iubes? {Men.} Iubeo hercle, si quid imperi est in te mihi.'

¹²³ Plautus, *Amph.* 19–23 (of Jupiter); Plautus, *Poen.* 40–5 (of an actor); Plautus, *Asin.* 87 and Terence, *Phorm.* 195–7 (over a slave); Terence, *Eun.* 414–15 (over elephants); Plautus, *Trin.* 303–4 and Terence, *Phorm.* 231–4 (of a father); Plautus, *Per.* 341–3 (over status).

more constitutional overtones: three cases relate to the power of a commander or magistrate, all (given the setting of the plays) of Greek cities;¹²⁴ one to the power of the Athenian people, vested in an ambassador;¹²⁵ and in two the language of the state is transferred into the domestic context as a joke and relates to disputes between two slaves or between a slave and a young man about the authority slaves have over various parts of the household.¹²⁶ Similarly in the twelve passages which contain the word *provincia*, two (both in Plautus' *Captivi*) refer to an area under the control of a military commander,¹²⁷ while the remaining ten are used humorously, often in mock military contexts, of the household duties of slaves and of tasks assigned to prostitutes and parasites.¹²⁸

All these occurrences indicate that for the comic writers of the second century BC *imperium* means an order, or power or authority belonging to an individual or (in one instance) to a state; and that *provincia* means a task or area of responsibility entrusted to an individual. The same pattern can be seen in the occasional uses of *imperium* in other poets: in two occurrences from Ennius' *Annales* it means the power of a king or commanders,¹²⁹ and the *Carmen Devotionis*, preserved by Macrobius and, according to him, used after the destruction of Carthage, uses it of the power of the magistrate commanding Roman troops.¹³⁰ In the fragments of Latin tragedians, it means an order,¹³¹ the authority to issue orders,¹³² power in

On the uses of *imperium* in domestic and military contexts in comedy, see Leigh (2004), 158–91.

¹²⁴ Plautus, *Amph.* 188–92 and 193–6; Plautus, *Aul.* 167–9. ¹²⁵ Plautus, *Truc.* 91–2.

¹²⁶ Plautus, *Cist.* 235; Plautus, *Stich.* 699–702. ¹²⁷ Plautus, *Capt.* 156 and 158.

¹²⁸ Plautus, *Capt.* 471–7; Plautus, *Cas.* 99–103; Plautus, *Mil.* 1159–62; Plautus, *Pseud.* 148–51 and 157–8; Plautus, *Stich.* 698 and 699; Plautus, *Trin.* 189–90; Terence, *Haut.* 512–16; Terence, *Phorm.* 71–6.

¹²⁹ Ennius, *Ann.* 3. fr. 150 (V); 16. fr. 427 (V).

¹³⁰ *Carmen Devotionis* 14 (ap. Macrobius, *Sat.* 3.9.11).

¹³¹ Ennius, *Medea* 246–52 (V); Pacuvius, *Atalanta* frs. 72–3 (W); Pacuvius, *Teucer* fr. 375 (W).

¹³² Pacuvius, *Armorum iudicium* fr. 46 (W).

an apparently generalised context¹³³ or the power of a people as a whole.¹³⁴ Ennius also uses the word in his prose *Euhemerus*, cited by Lactantius in his *Divine Institutes*, where it refers either to the power of gods or of kings given by Jupiter.¹³⁵

The other passages are all from prose writers, comprising fragments of orators and historians, and a further nine from the anonymous *Rhetorica ad Herennium* and eight from the earliest works of Cicero at the very end of the period. All these are, of course, much more involved than those writers examined so far with the machinery of the state and the business of government. As mentioned above, two of the thirteen fragments which use *imperium* are almost certainly not verbatim records of what was said at the time: one is from a report by Gellius of a speech by Scipio Africanus, given in 187 BC against the tribune M. Naevius in the context of the accusation that Scipio had received a bribe from king Antiochus while he had been acting as *legatus* to his brother.¹³⁶ In Gellius' version, Scipio refers to his old opponent Hannibal as *imperio vestro inimicissimum*, 'most hostile to your *imperium*'.¹³⁷ It is, however, clear that this speech is fictitious: Livy casts serious doubts on the speeches attributed to Scipio, and Cicero knew of no example of his oratory; moreover the context of Gellius is not coherent with Polybius' account of the trial.¹³⁸ The other passage is from Valerius Maximus' account of the violence which ended Ti. Gracchus' tribunate in 133 BC, where he ascribes to the *pontifex maximus*, P. Scipio Nasica, a rallying cry to all who would defend the *res publica* to follow him. In Valerius'

¹³³ Accius, *Aegisthus* fr. 9 (W); Accius, *Astyanax* fr. 138 (W).

¹³⁴ Ennius, *Hectoris Lytra* fr. 186 (V) (of the Myrmidons).

¹³⁵ Ennius, *Euhemerus*, ap. Lactantius, *Div. inst.* 1.11.32; 1.13.14; 1.22.21.

¹³⁶ Gellius, *NA* 4.18.3–6.

¹³⁷ Gellius, *NA* 4.18.3 (= *ORF* no. 4.3): 'memoria, inquit, Quirites, repeto, diem esse hodie, quo Hannibalem Poenum, imperio vestro inimicissimum, magno proelio vici in terra Africa pacemque et victoriam vobis peperit inspectabilem.'

¹³⁸ Livy 38.56; Cicero, *Brut.* 77; Malcovati (1966), 6–7; Scullard (1970), 289–90; Holford-Strevens (1988), 143.

version, Nasica begins by blaming the consul Mucius Scaevola for his inaction, saying that by acting within the law the consul was bringing about the ruination of the *imperium Romanum* and all its laws.¹³⁹ This may well be a reasonable account of the gist of Nasica's outburst, but it is not in Nasica's own words, since (as we shall see) the phrase *imperium Romanum* does not otherwise occur in Latin until the late 40s BC, and it is therefore highly improbable that it was ever uttered by the *pontifex maximus* in 133.¹⁴⁰ Leaving these two cases aside, we have still twelve fragments from historians and orators.

It is no surprise to find that among such writers the most frequent references are to *imperium* as the power of a magistrate¹⁴¹ or of a king.¹⁴² Cassius Hemina and Claudius Quadrigarius use *imperium* to mean 'order', which is often found at all periods,¹⁴³ and the orator M. Duronius, tribune of the plebs in 97 BC, uses it of the outmoded power of an ancient law.¹⁴⁴ As we have already seen, Cato can use it of the power of the Roman people over other states, and the same sense is found in the laudation which Q. Fabius Maximus Allobrogicus gave on the death of his uncle, Scipio Aemilianus, in 129, which is quoted by Cicero.¹⁴⁵ A precept of Aemilianus, known only from its citation by Isidore of Seville in the seventh century AD, runs together

¹³⁹ Val. Max. 3.2.17 (= ORF no. 38.4): 'quoniam, inquit, consul, dum iuris ordinem sequitur, id agit, ut cum omnibus legibus Romanum imperium corruat, egomet me privatus voluntati vestrae ducem offero.'

¹⁴⁰ See below, pp. 98–9. On Valerius' reporting of Scipio Nasica's words, see the note in Malcovati (1966), 157.

¹⁴¹ Cato maior, ORF no. 8.58; 8.221; 8.223; P. Scipio Aemilianus, ORF no. 21.32; Annii Luscus, ORF no. 17.5; M. Aemilius Scaurus, ORF no. 43.7; Claudius Quadrigarius, *Annales* fr. 57 (P).

¹⁴² Cassius Hemina, fr. 11 (P).

¹⁴³ Cassius Hemina, fr. 22 (P); Claudius Quadrigarius, *Annales* fr. 57 (P).

¹⁴⁴ M. Duronius, ORF no. 68.1.

¹⁴⁵ Cato maior, ORF no. 8.164 (see above, p. 43); Q. Fabius Maximus Allobrogicus, ap. Cicero, *Mur.* 75 (= ORF no. 49.3).

two of these senses, that of the power of the magistrate and that of the power of the people, in a progression that moves from *innocentia* to *dignitas* to *honor* (the office won by a magistrate by election) to *imperium* to *libertas*, which is surely the liberty of the Roman people and not simply that of the individual.¹⁴⁶ A similar combination is found in the passage of Claudius Quadrigarius already mentioned, in which he has Fabius Maximus obeying an order (*imperium*) from a lictor to dismount in the presence of his son, who has been elected consul, and then congratulating him on his power as consul (*imperium* again), which belongs to the people.¹⁴⁷

These last two instances show that, at least in the last half-century of this period, writers were aware of the variety of ways in which *imperium* might be used, but also that it was one word with essentially one meaning: an order and the power and authority to issue orders, especially when held by an elected magistrate or a pro-magistrate, or in the possession of the Roman people. It is occasionally used of the power of the people over foreign nations and territories,¹⁴⁸ but nowhere is it used with the territorial significance of an empire in a geographical sense. In the case of *provincia* in prose writers, the sense is always (in the few instances to be found in the fragments of orators) the responsibility of a magistrate or pro-magistrate. Cato uses it once and C. Gracchus three times, and on each occasion it refers to their service as a *legatus* or as quaestor *in provincia* or coming back to Rome *ex provincia*.¹⁴⁹ On first sight, the prepositions here

¹⁴⁶ Scipio Aemilianus, ap. Isid. *Etym.* 2.21.4 (= *ORF* no. 21.32): 'ex innocentia nascitur dignitas, ex dignitate honor, ex honore imperium, ex imperio libertas.'

¹⁴⁷ Claudius Quadrigarius, *Annales* fr. 57 (P): 'Fabius imperio paret et filium conlaudavit, cum imperium, quod populi esset, retineret.'

¹⁴⁸ Cato maior, *ORF* no. 8.164; Q. Fabius Maximus Allobrogicus, *ORF* no. 49.3.

¹⁴⁹ Cato maior, *ORF* no. 8.132: 'quom essem in provincia legatus, quamplures ad praetores et consules vinum honorarium dabant: numquam accepi, ne privatus quidem.' C. Sempronius Gracchus, *ORF* no. 48.26: 'versatus sum in provincia, quomodo ex usu vestro existimabam esse, non quomodo ambitioni meae conducere arbitrabar'; no.48.27: 'ita

seem to suggest a geographical sense, but it also sounds as though in *provincia* means 'while on overseas duty' and *ex provincia* 'returning from duty'. At the very least, it relates to the service done under the command of the pro-magistrate to whom the *provincia* had been assigned.

Apart from these fragments, there are four works which survive *in extenso* from the very end of the period, the *Rhetorica ad Herennium* and three early works of Cicero (the *De inventione rhetorica* and the speeches *Pro Quinctio* and *Pro Sex. Roscio Amerino*), which use the words *provincia* and *imperium*. *Rhetorica ad Herennium* has two instances of *provincia*, both in the same passage, where coming *ex provincia* is said to imply that someone has already gone *in provinciam*.¹⁵⁰ It is possible that *provincia* here is being used, as in the fragments of Cato and C. Gracchus, of service overseas, but there is too little here to be sure; at least the word seems to refer to going to and from an area under the control of a Roman *imperium*-holder. The word also occurs three times in Cicero's early works, and in each case relates to the responsibility of a pro-magistrate.¹⁵¹ These usages seem to be parallel to the others we have examined already. In the case of *imperium*, there are ten occurrences in *Rhetorica ad Herennium*,¹⁵² of which one is a quotation from Ennius' *Medea* which has been noted already;¹⁵³ and five from Cicero.¹⁵⁴ These passages are of particular interest, both because they are the earliest from

versatus sum in provincia, uti nemo posset vere dicere assem aut eo plus in muneribus me accepisse aut mea opera quemquam sumptum fecisse. biennium fui in provincia; si ulla meretrix domum meam introivit aut cuiusquam servulus propter me sollicitatus est, omnium nationum postremissimum nequissimumque existimatote'; no.48.28: 'cum Romam profectus sum, zonas, quas plenas argenti extuli, eas ex provincia inanes retuli.'

¹⁵⁰ *Rhet. Her.* 1.14: 'si dicam me ex provincia redisse, profectum quoque in provinciam intellegatur.'

¹⁵¹ Cicero, *Inv. rhet.* 2.111; *Quinct.* 28 and 41.

¹⁵² *Rhet. Her.* 2.29; 2.34 (twice); 4.13 (four uses); 4.34 (twice); 4.44.

¹⁵³ *Rhet. Her.* 2.34 (= Ennius, *Medea* 246–52 (V)). See above, n. 131.

¹⁵⁴ Cicero, *Inv. rhet.* 2.141; *Quinct.* 83; *Rosc. Am.* 50; 131; 136.

complete prose works, and because they are from the end of the period we are considering. As might be expected, *imperium* is found in its non-technical meaning of ‘power’ and ‘order’ in generalised senses,¹⁵⁵ and, at least in Cicero, meaning the power of a magistrate.¹⁵⁶ It is also used in the *Rhetorica ad Herennium* of the power of one state over others, as we have already seen in fragments of Cato and Fabius Maximus Allobrogicus, and it is in this context that the phrase *imperium populi Romani* appears for the first time in Latin.¹⁵⁷ There are two other uses, however, which are not found earlier: on the one hand, in the *Rhetorica ad Herennium* the power of the Romans is said to cover not only other lands and peoples but the whole world.¹⁵⁸ The same idea appears a little further on in the same work, where it is given as an example of the rhetorical device of *superlatio*, whereby the truth is exaggerated to make a point.¹⁵⁹ Exaggeration or not, this representation of the vastness of Roman power was to become a commonplace in the decades which followed; but it is important to note that, at least at this point when we first find it, what is extended across the whole world is the power of Rome to which other nations consent, not a territorial ‘empire’. The other usage that first appears in these passages is *imperium* (often linked with other abstract nouns, such as *nomen*, meaning not just ‘name’ but also ‘repute’ or even ‘nationality’)¹⁶⁰ which seems to stand for the whole entity of Rome. Thus *Rhetorica ad Herennium* refers to

¹⁵⁵ *Rhet. Her.* 2.29 and 2.34; Cicero, *Inv. rhet.* 2.141. ¹⁵⁶ Cicero, *Quinct.* 83; *Rosc. Am.* 136.

¹⁵⁷ *Rhet. Her.* 4.13 (three times, including *imp. p.R.*); 4.34 (of the succession of dominant Greek cities).

¹⁵⁸ *Rhet. Her.* 4.13: ‘nedum illi imperium orbis terrae, cui imperio omnes gentes, reges, nationes partim vi, partim voluntate consenserunt, cum aut armis aut liberalitate a pop. R. superati essent, ad se transferre tantulis viribus conarentur.’

¹⁵⁹ *Rhet. Her.* 4.44: ‘superlatio est oratio superans veritatem alicuius augendi minuendive causa. haec sumitur separatim aut cum conparatione. separatim, sic: “Quodsi concordiam retinebimus in civitate, imperii magnitudinem solis ortu atque occasu metiemur.”’

¹⁶⁰ See *OLD* s.v. *nomen* (19).

those allies who fight alongside the Romans and by their bravery and industry save the *imperium*;¹⁶¹ and Cicero speaks of those who, by unselfishly tending their own fields, increase with land, cities and nations ‘the *res publica*, this *imperium* and *nomen* of the Roman people’.¹⁶² Later in the same speech Cicero refers sycophantically to the dictator Sulla as the sole ruler of the *res publica* and governor of the whole world, who has strengthened with his laws the greatness of the *imperium* which he had recovered by war.¹⁶³ In these passages *imperium* seems to mean more than the power which Rome exercises over others and clearly does not mean the power vested in magistrates and pro-magistrates. *Imperium* here stands for Rome as a whole. This is the first time such a usage appears, but, as we shall see, it too becomes frequent in the final years of the republic.

This book is a biography of a word, or perhaps of a family of words related to one another, historically if not semantically. The central figures of this diachronic group-portrait are *imperium* and *provincia*, and it is their development and life story which form the plot of the narrative. Unlike most biographies, which begin with the birth of their subjects and pursue them through infancy to maturity, the story of these words and of the ideas and meanings which they carried at different periods of their long lives cannot begin with their earliest appearances. *Imperium* clearly derives from the verb *imperare*, to give orders or commands, but its beginnings as a word are lost in the mists of early Roman history. The Romans themselves believed, in the classical period, that it was an attribute of

¹⁶¹ *Rhet. Her.* 4.13: ‘sociis, qui pro nobis pugnare et imperium nostrum nobiscum simul virtute et industria conservare soliti sunt’.

¹⁶² Cicero, *Rosc. Am.* 50: ‘quibus rebus et agris et urbibus et nationibus rem publicam atque hoc imperium et populi Romani nomen auxerunt’.

¹⁶³ Cicero, *Rosc. Am.* 131: ‘quid miramur, iudices, L. Sullam, cum solus rem publicam regeret orbemque terrarum gubernaret imperique maiestatem quam armis receperat iam legibus confirmaret, aliqua animadvertere non potuisse?’

the kings, expelled in the late sixth century.¹⁶⁴ *Provincia* is still harder to trace in its earlier years, and the etymology of the word is very uncertain.¹⁶⁵ It is only in the period that we have been examining that any clear picture of these words and their meaning can be arrived at; and, by that stage, infancy is passed and adolescence has been reached. Notoriously this is precisely the age at which development is at its fastest, and it is irritating that, at a time when Roman power throughout the Mediterranean area is becoming increasingly significant and the shape of the imperial structures is beginning to emerge, we have comparatively little first-hand evidence with which to trace the significance and the development of the words we are studying. There is enough, however, to allow a sketch which will form a background for the two centuries which follow, within which the evidence becomes much fuller.

First, it is clear that both *imperium* and *provincia* are central ideas in the formation and carrying out of the foreign and imperial policies of Rome. For the senate, the implementation of overseas policy could be described without excessive exaggeration as the deployment of holders of *imperium*, and the *provinciae* provided the mechanism to effect that deployment. This is not to say that senators were incapable of understanding what happened in the world outside Rome: Cicero, writing in the 40s BC, was to list among the necessary requirements for a senator knowledge of numbers of troops, the state of the treasury and the varying statuses of friends and allies,¹⁶⁶ and Livy's

¹⁶⁴ See Richardson (1991). Theodor Mommsen, especially in his magisterial *Römische Staatsrecht* (Mommsen (1897–9)), saw the *imperium* of the magistrates as central to the Roman constitution. See recently, Lintott (2005).

¹⁶⁵ Festus, p. 226 (L); Isidorus, *Etym.* 14.5.19. See Ernout and Meillet (1959–60), s.v. *provincia*; Maltby (1991), 504.

¹⁶⁶ Cicero, *Leg.* 3.41: 'est senatori necessarium nosse rem publicam – idque late patet: quid habeat militum, quid valeat aerario, quos socios res publica habeat, quos amicos, quos stipendiarios, qua quisque sit lege, condicione, foedere.' See further, Nicolet (1988), 134 and 196 (= (1991), 124 and 181).

accounts of senatorial debates show that this was true in the second century. The response of the senate, however, to the questions that confronted it was by the allocation of *provinciae* to magistrates and pro-magistrates. For this reason it is not surprising that in official documents the only attested use of *imperium* is that of magistrates and pro-magistrates, and of *provincia* that of the responsibilities of such persons. Although in other contexts (especially the writings of comic dramatists) *imperium* most often means an order or 'power' in a general, unspecific sense, and *provincia* a task or a responsibility unconnected with the activities of the Roman *res publica*, both words relate in the great majority of cases to the functioning of individuals. Although *imperium* can be used of the power of a people (as Cato uses it of the Roman people in his speech on the Rhodian alliance),¹⁶⁷ in the earlier part of this period this looks to be simply another example of *imperium* being used in a non-explicit sense as 'power', rather than as a technical term for the dominance of the Roman state. Cato's phrase is 'sub solo imperio nostro', and this has been thought to be a rhetorical rendering of a technical expression such as *sub imperio populi Romani*; but although this last was certainly used in a technical sense later, as can be seen by its use in Livy and by legal writers in the second and third centuries AD,¹⁶⁸ *sub imperio* down to the end of the republic describes far more often the power of non-Roman peoples.¹⁶⁹ As we have seen, in the period down to the death of Sulla, *imperium* meaning the power of the Roman people does not occur in 'official', statutory contexts, though the small number of documents which have survived makes it dangerous to draw firm conclusions.

¹⁶⁷ Cato, ap. Gellius, *NA* 3.6.16 (= *ORF* no. 8.164). See above, p. 43 and p. 54.

¹⁶⁸ Livy 8.19.1–2, 40.53.5; Gaius, *Inst.* 1.1.53; Paulus, *Dig.* 36.1.27.pr.

¹⁶⁹ Caesar, *B Gall.* 5.24.4; 5.39.1; 6.10.1; 7.75.2; Anon., *Bell. Alex.* 66.5; 78.3; Sallust, *Iug.* 13.1–2; Nepos, *Con.* 4.4; *Eum.* 7.1–2. Of Roman *imperium*, only at Cato, *ORF* no. 8.164; *Foedus Callatinum* (*ILLRP* 516), lines 5–6; Caesar, *B Gall.* 1.31.7.

It is notable, however, that when it does appear more often in non-official contexts at the very end of the period, it is used to describe the power which Rome exercises over other peoples, kings and nations, or even across the globe;¹⁷⁰ or, when it refers to an entity which can be enlarged, opposed, defended or destroyed, that entity seems to be not a Roman territorial empire but Rome itself.¹⁷¹

The centrality of *imperium* as the power of a magistrate or pro-magistrate in the late third and second centuries shaped the senate's foreign and imperial policy, not only in relation to the *imperium*-holders themselves, from the allocation of a *provincia* to the award of a triumph, but also in relations with the inhabitants within the *provinciae*. If someone in the ruling class in Rome wanted to extend protection to provincials against misgovernment or the senate wanted to reward a loyal city by a grant of freedom, the consequence, expressed by statute or senatorial decree, was a restriction on the activities of an *imperium*-holder, or a punishment for his actions after the end of his tenure. This centrality of the idea of what *imperium* and *provincia* were remained in place, even though the content of both changed markedly. The *imperium* of the proconsul C. Marius or the dictator L. Sulla were different in scope, both in terms of period of tenure and of range of activity, from those of earlier holders of these charges; and the *provincia Asia*, taken over from a Pergamene king as the result of his bequest, was different in type from any previous *provincia*. Moreover, and perhaps more significantly, the gradual development of what were to become the institutions of provincial administration in terms of jurisdiction, taxation and relations with the communities of the *provinciae*, alongside the emerging sense of responsibility for the members of those communities as seen

¹⁷⁰ *Rhet. Her.* 4.13; 4.44.

¹⁷¹ *Rhet. Her.* 4.13; Cicero, *Rosc. Am.* 50; 131. See above, pp. 57–8.

in the creation of the processes *de repetundis*, meant that what an *imperium*-holder in an overseas *provincia* was expected to do also changed markedly. Towards the end of the second and into the first centuries, the inhabitants of these *provinciae* were seen as being a responsibility of the Romans as well as the objects of external policy. Yet despite this, the underlying notion of *imperium* as the power of magistrate and pro-magistrate, and of the *provincia* as the task or responsibility of such people remained virtually unchanged. In the political and constitutional sphere, as in the language of drama and poetry (so far as we can trace it) *imperium* means power, and the power of the Roman people, exercised through the *imperia* of its magistrates and pro-magistrates, is essentially dynamic and not susceptible to boundaries. Even the *imperium* of an individual holder seems only to have such bounds in terms of limits on a *provincia* when adjacent to the *provincia* of another; and in terms of restrictions on activity through specific instructions (such as those found in the law on praetorian *provinciae* of 100 BC) or generalised restrictions on what *imperium*-holders could do, such as those found in the *lex Porcia*. When Sulla, as dictator in 81 BC, increased the number of praetors to eight and of quaestors to ten and added to restrictions on the activities of *imperium*-holders as to their entry and departure from *provinciae* and the sending of embassies by provincial communities, he was operating within the same framework, adapted to cope with the increased number of *provinciae*.¹⁷²

What then does this indicate about the way in which the ruling classes in Rome thought about imperial expansion in the period from the late third to the early first centuries BC? It appears that through this time, when Roman sway extended beyond the confines

¹⁷² Numbers of magistracies: Brennan (2000), 389–92. Restrictions on *imperium*-holders: Cicero, *Fam.* 3.6.3 and 6; 3.10.6. See further below, p. 107.

of the Italian peninsula to encompass the whole of the Mediterranean region (or, in Polybius' famous description, almost the whole of the *oikoumene*),¹⁷³ such growth was seen in terms of increase of power, not increase of land, occupied or possessed.¹⁷⁴ The language that they used to describe what they were doing and the structures of government through which this great expansion took place did not refer or even relate to annexation or colonisation of other states or nations, but to control of what others did, brought about by the exercise of Roman power and supported by Roman military might. This does not mean that the senate and the people of Rome were not imperialist, or that they were merely reactive or defensive in their policy towards others. What it indicates is that their empire was seen in terms of control exercised through power, the power of the Roman people and in particular of its generals, rather than of territorial annexation or territorial expansion; and that in turn means that the sort of imperialism and of empire that resulted was at this stage quite different from that of imperial powers, whose aim is to paint the map red or to establish a global territory; or even, indeed, to create an empire such as that over which Rome's emperors ruled two centuries later.

¹⁷³ Polybius 1.1.5. ¹⁷⁴ See the analyses of Kallet-Marx (1995), 25–9; Woolf (2001), 313–17.

CHAPTER THREE

Cicero's empire: *imperium populi Romani*

The period between Sulla's resignation from the dictatorship in 79 BC and the establishment of the power of Augustus after the battle of Actium in 31 is, for any writer on the constitution and structure of the Roman state, dominated by one individual, the consul of 63 BC, M. Tullius Cicero. The reason for this is obvious but bears repeating. The sheer bulk of Cicero's surviving literary output, in terms of speeches delivered to the senate and people or in the law courts, of works on philosophical and rhetorical subjects and of correspondence with his friend Atticus and with his other friends and associates, is extraordinary, especially when compared with the paucity of material from the periods immediately preceding and following. It makes Cicero, as Elizabeth Rawson wrote, 'almost unique among the great men of antiquity: because we know a great deal about him'.¹ Cicero's predominance, from the point of view of modern students of ancient history, does not depend upon his significance as a leading politician in the turbulent events of the last decades of the Roman republic, whatever he himself would have us believe. Although he held the consulship and was for that reason alone one of the senior members of the senate from 63 BC onwards,

¹ Rawson (1975), xiii.

the same could be said of many others, and, unlike most of his contemporaries, he made no attempt to display his prowess as a military commander, taking a *provincia* in Cilicia in 51 only because he was forced to do so. To his contemporaries he is unlikely to have seemed as important a figure as, say, Q. Lutatius Catulus, the consul of 78 and censor in 65, or his younger cousin, L. Domitius Ahenobarbus, consul in 54, who was killed in the aftermath of the battle of Pharsalus in 48;² and he was certainly not of the same level of importance as Pompeius or Caesar or M. Antonius. Cicero's significance is as a participant witness rather than as a major political figure, and to refer to the late republic as the Ciceronian Age is rather like calling the time of the Restoration in British history the Pepysian Period.

For the purpose of examining the ideas that were current in Rome in the period after Sulla, however, Cicero is of immense value, precisely because he is a participant witness. He was himself involved in debates and legal cases concerned with the allocation and administration of *provinciae*,³ and those to whom he wrote and spoke were almost all members of the upper élite of a city which already held unparalleled power in the Mediterranean region at the beginning of his career, and which by the time of his death had extended its hold to reach the English Channel in the north, the Atlantic in the west and the River Euphrates in the east. Particularly when practising as an orator, he had to express himself in a language which not only carried his own convictions and arguments but which was comprehensible to and able to convince his hearers. For this reason, his linguistic usages can reasonably be expected to be

² Q. Lutatius Catulus: see Dio's obituary sentence (Dio 37.46.3). On L. Domitius Ahenobarbus, note Cicero's own comment that he had been from birth a consul in waiting. On the relationship of the two, see Ascon. 80–1C; Münzer (1920), 286–7.

³ See Steel (2001).

a reflection not only of his own views but also of those who heard him.⁴

It does not, of course, follow that Cicero was merely a mirror of the views of the political élite of his day. In some ways, his career as a senator and a magistrate of the Roman people was unusually concentrated on Rome itself. His complaints to his correspondent in Rome, M. Caelius Rufus, during his tenure of the province of Cilicia in 51 and 50, are full of his conviction that for him the city is the only place to be.⁵ It is likely that his thought and language, when describing Rome's power beyond Italy, was even more heavily Rome-centred than that of his contemporaries. There are other provisos which must be borne in mind in inspecting Cicero's language for the traces of attitudes to the growth of empire: thus, although the sentence structure of Cicero's speeches shows a certain rhythmical uniformity, he uses a variety of styles, not only from one speech to another, but also within single speeches, to inform, entertain, shame or coerce his hearers.⁶ The rhetorical strategies which he deployed at various points in his speeches, and from one speech to another, affected not only the shape of his language but the words he used and the nuances of significance that he intended to impart by their use.⁷ It is crucial, therefore, in examining his use of the language of empire, to observe the larger contexts of such uses, as well as the immediate ones. The need becomes still greater when comparing Cicero's practice in his speeches with that in his philosophical and rhetorical treatises or in his correspondence; and more so again when making comparison with other writers from the same period.

⁴ For a similar assessment of the importance of Cicero, see Brunt (1978), 160.

⁵ For instance, Cic. *Fam.* 2.12.2.

⁶ In the third book of the *De oratore*, Cicero has Crassus discuss at length the variety of styles available to the orator. See, on Cicero, Nisbet (1965) and Steel (2005), 7–48.

⁷ For a good account and illustrations of the use of such strategies, in particular with regard to the *milieu* in which the speeches were delivered, see Vasaly (1993), 1–39.

In undertaking such an exercise, an investigator is both aided and hampered by the fundamental fact which makes Cicero so valuable a source in the first place. A collection of passages from Cicero produces the following statistics: there are 545 passages in which the word *imperium* is used, and 672 in which the word *provincia* appears.⁸ It should be emphasised that these numbers are not of occurrences of the words as such, but of passages in which these words occur, since in several passages they are used more than once. The quantity of instances makes possible an analysis of Cicero's usage which is of greater value, both in statistical terms and in displaying variety of meaning, than is the case with any other Latin author; but it also presents the problem of how to set out such an analysis, especially given the importance of context and rhetorical strategy, as I have already noted. In an attempt to see how Cicero used the vocabulary of empire, and the ways in which the different elements of significance are interwoven with each other, a review of the totality of the corpus will be followed by a closer investigation of what seem to be key passages, and by a fuller inspection of two works in which such language plays a large part.

I

Imperium

In the case of the word *imperium*, its most frequent use, as is to be expected from what we have already seen of the usage of the period down to the time of Sulla,⁹ is to refer to the power of magistrates and pro-magistrates. This accounts for 286 of the 545 instances collected,

⁸ These numbers relate to all Cicero's works, excluding the *In Sallustium*, the letters to Octavian, and also those letters in the *Ad familiares* written to Cicero.

⁹ See above, pp. 43–4 and 53–4.

that is 52.48%. The usage is so normal and so common that there is little to be gained from simply listing these passages, but it is worth noticing that there are interesting variations within this group. As a glance at the percentages of occurrences of all uses of *imperium* in the different categories of Cicero's writing reveals, the distribution of *imperium* meaning 'power of a magistrate (or pro-magistrate)' is roughly the same as that for all uses of *imperium*.¹⁰ However, there are discrepancies at the level of individual works. It is notable, if not surprising, that in the speeches *In Verrem*, more than 71% of the ninety-eight passages in which *imperium* is used relate to the power of a magistrate or pro-magistrate, compared with the average of 52.48%. The Verrine orations are after all a focussed attack on a governor, whom Cicero is accusing of misuse of his praetorian *imperium*. Similarly Cicero's letter to his brother Quintus in 60 (*Q Fr.* 1.1), which is in effect an essay on how to be what we would call a provincial governor, has twelve out of seventeen passages (70.6%) containing the word *imperium* relating to the *imperium* of a magistrate or pro-magistrate. A similar concentration can be seen in the fourteen instances of the use of *imperium* to describe the power of a king, sometimes (in three of the fourteen passages) of foreign kings but more often in general, unspecific terms.¹¹ Of these, two are from speeches, one from a letter to Quintus, but the remaining eleven are from Cicero's treatises on constitutional matters, the *De republica* (eleven passages) and the *De legibus* (one passage).

One other usage is worth noting at this point, relatively unusual in Cicero though, as we have already seen, common in other writers.¹²

¹⁰ See below, Appendix 1.

¹¹ 2 *Verr.* 3.15 (foreign); *Q Fr.* 1.2.7 (foreign); *Rab. Post.* 29; *Rep.* 1.50 (foreign); 2.15; 2.23; 2.25; 2.31; 2.33; 2.35; 2.38; 2.50; 3.37; *Leg.* 3.4.

¹² See above, p. 50.

In nineteen passages¹³ Cicero uses *imperium* to mean an order or command, and in twelve of these cases it is an order issued by a magistrate or pro-magistrate, rather than the more general 'power', which lay behind the issuing of the order.¹⁴ Again, it is not surprising that seven of these twelve come from the *Verrines*.

The second most common collection of meanings of *imperium* is of those that relate to the power of the Roman people as opposed to that of individuals as bearers of *imperium* (that is magistrates and pro-magistrates): 174 of the total of 545 passages (31.9%) belong to this category. This group involves contexts displaying an increased level of generality, and therefore it is to be expected that the range of significances and applications within this set is wider than is the case with the *imperium* of individuals. For the same reason, the distribution of the passages across the whole of Cicero's surviving works is much more varied than was the case with the first group. Only seven (4% of the total of 174) are from Cicero's correspondence, compared with the figure of 11% (60 of 545) of those passages which mention *imperium* in all senses. By contrast, Cicero's speeches contain 80.5% (140 of 174) of the passages meaning *imperium* of the people, compared with 66.8% of the total of passages. The rhetorical and philosophical discourses also show a smaller proportion of passages with this meaning (15.5% as against 22.2% of the total number of passages), though the discrepancy is less marked than in the case of the correspondence. It would seem that Cicero used this sense of *imperium* particularly in his oratory, both political and forensic, and less often in the more intimate contexts of the discourses and

¹³ Of a magistrate or pro-magistrate: 2 *Verr.* 3.73; 3.112; 3.228; 4.111; 4.128; 4.84; 5.47; *Dom.* 113; *Post red. ad pop.* 13; *Att.* 6.1.21; *Leg.* 3.6; *Tusc.* 4.43. Of others: *Dom.* 71; *Rab. Post.* 29; *Leg.* 2.10; *Sen.* 51; *Att.* 2.19.1; *Q Fr.* 1.1.33; *Tim.* 30.

¹⁴ Thus, for instance, Cicero's ironic question to Verres at 2 *Verr.* 4.128: 'Quid? ex aede Liberi simulacrum Aristaei non tuo imperio palam ablatum est?'; or, at a more general level, *Leg.* 3.6: 'Iusta imperia sunt, isque cives modeste ac sine recusatione parento.'

the letters. This is made clearer when it is realised that of the seven occurrences in the letters only one is from a letter to Atticus, while two are from the essay-like letter to Quintus on the functions of a provincial governor, two are from his letter to M. Cato in 50 BC about his request to the senate for a *supplicatio* to mark his military success at Pindinessum, and one is from a letter of the previous year, addressed to the senate itself. The remaining instance is from his somewhat formal letter to P. Lentulus Spinther in 56 BC about the senate's decision on the restoration of Ptolemy Auletes to the throne of Egypt.¹⁵ Of these seven passages, three at least are intended for a wider audience, while another three (those to Cato and Spinther) are of a more 'public' flavour than is true of most of Cicero's correspondence.

This is confirmed by another pattern that may be observed from the figures given in the table showing the distribution of usages.¹⁶ If we consider those speeches which have at least five passages referring to *imperium* in any sense, and select from those the speeches which have an above average proportion of passages in which *imperium* is used of the power of the Roman people, they are found (with one or two exceptions) to cluster at certain points in Cicero's career. The first group is in 63 BC, the year of the consulship (the speeches *De lege agraria* (40.7% of a total of twenty-seven passages); the *Catilinarian* speeches (42.1% of nineteen) and the *Pro Murena* (72.7% of eleven)), to which may be added the *Pro Sulla* of 62 (75% of eight). There follow two speeches which are not grouped, the *Pro Flacco* of 59 (41.7% of twelve) and the *De domo*, given after his return to Rome in 57 (50% of fourteen). The year 56 shows four speeches in which not only is the word *imperium* used often, but in which

¹⁵ *Att.* 1.19.7; *Q Fr.* 1.1.33; 1.1.34; *Fam.* 1.7.4 (to Lentulus Spinther); 15.1.5 (to the senate); 15.4.10; 15.4.14 (to Cato).

¹⁶ See below, Appendix 1.

the use of it to refer to the power of the people was predominant: *De haruspicum responso* (63.6% of eleven); *De provinciis consularibus* (78.6% of fourteen); *Pro Balbo* (69.2% of thirteen); and *Pro Sestio* (63.6% of twenty-two). After that, we must wait until the *Philippics* of 44 (*Phil.* 1–4) before the two conditions are fulfilled again (50% of twelve). The clustering of these occurrences is the more interesting in that the subject matter of the speeches themselves is varied, as are the contexts in which they were delivered. They are divided between forensic speeches (*Pro Murena*; *Pro Sulla*; *Pro Flacco*; *Pro Balbo*; *Pro Sestio*) and those given before the people or the senate (*Leg. agr.*; *Cat.*; *Dom.*; *Har. resp.*; *Prov. cons.*; *Phil.*), and it is not the case that there is a higher proportionality in either the forensic or public orations. It seems rather that the notion of the *imperium* of the people was particularly in the forefront of Cicero's mind at particular points in his career. The period of his consulship and its immediate aftermath, and the year 56, in which the arguments about Caesar's province and the power in the state of Caesar, Pompeius and Crassus were a major matter of concern, would both seem likely contexts for such concentrations of use. It is notable that in the surviving works from 56, there are seventy-three passages which use the word *imperium*, of which forty-nine (that is over 67%) relate to the power of the people.

So much for the distribution of passages relating to the *imperium* of the people within Cicero's works: but the question which I am attempting to address is just what Cicero is talking about when he uses the word in passages of this sort. The only way to determine this is to look at the contexts in which the word is used in these passages; and the analysis which follows attempts to do precisely this. In this way we may discover what, at least for Cicero, the *imperium populi Romani* was reckoned to be in the period between the end of the

dictatorship of Sulla and that of Caesar, and in particular whether it was thought of in terms of a territorial empire, as it was to become by the second century AD or whether it was still seen as the power of the Romans, exercised across the world, which was its sense by the end of the previous period.¹⁷

A large number of these passages (147 on my reckoning) use *imperium* to refer to the whole entity of Rome in an abstract fashion, which (albeit anachronistically) we might call a 'state'. This was also found in the *Rhetorica ad Herennium*.¹⁸ This usage can often be identified by the parallelism of *imperium* with another abstract concept which also identifies the Roman state. Thus, for example, there are twenty passages in which it is linked with the word *nomen* to refer to the entity that is the *res publica*.¹⁹ In the *Pro Roscio Amerino* he describes those who stay at home tilling their fields and not coveting those of their neighbours as increasing by lands, by cities and by nations the *res publica*, the *imperium* and the *nomen* of the Roman people, a trio of abstracts which sum up the power and repute of the Roman state.²⁰ Perhaps the most striking of these is a place in the

¹⁷ See above, pp. 57–60.

¹⁸ *Rosc. Am.* 51; 131; 2 *Verr.* 1.82; 2.85; 4.68; 5.51; 5.97; 5.115; 5.150; *Font.* 17; 32; 35; 36; *Or. perd.* 7 (*Corn.*) fr. 27; *Leg. Man.* 11; 12; 14; 26; 32; 41; 48; 54; 55; 60; 64; 1 *Cat.* 12; 33; 2 *Cat.* 3; 19; 3 *Cat.* 1; 9; 19; 20; 4 *Cat.* 4; 7; 12; 19; 21; *Leg. agr.* 1.2; 1.6; 1.18; 1.19; 2.35; 2.73; 2.86; *Mur.* 6; 24; 58; 75; *Rab. perd.* 20; 33; *Arch.* 28; *Sull.* 3; 23; 28; 32; 33; 86; *Att.* 1.19.7; *Q Fr.* 1.1.34; *Flac.* 1; 60; 69; *Dom.* 19; 20; 129; 132; 133; 143; *Post red. ad pop.* 9; 21; *Fam.* 1.7.4; *Har. resp.* 4; 18; 19; 29; 49; 51; *Prov. cons.* 5; 6; 13; 18; 33; *Or. perd.* 16 (*Alex.*) fr. 7; *Balb.* 13; 22; 25; 31; 34; 49; 51; *Caecil.* 14; 59; *Sest.* 1; 17; 19; 20; 50; 53; 57; 58; 66; 101; 116; 129; 139; *Orat.* 1.159; 1.196; 1.201; 2.168; *Pis.* 48; 84; *Planc.* 70; *Rab. Post.* 6; *Scaur.* 48; *Part. or.* 105; *Rep.* 2.10; 3.24; *Fam.* 15.1.5; 15.4.10; 15.4.14; *Lig.* 7; *Fin.* 2.76; *Deiot.* 11; *Amic.* 11; *Div.* 1.27; 1.92; *Off.* 2.26; 3.86; 3.87; 3.88; *Phil.* 2.54; 2.92; 3.10; 3.13; 3.30; 3.37; 4.8; 4.13; *Ad Brut.* 7.2; *Phil.* 5.37; 5.39; 5.48; 7.15; 11.31; 13.14. Cf. *Rhet. Her.* 4.13, and pp. 56–7 above.

¹⁹ *Rosc. Am.* 51; 2 *Verr.* 1.54; 1.82; 4.68; 5.97; 5.150; *Font.* 32; *Leg. Man.* 54; 4 *Cat.* 4; 7; *Leg. agr.* 1.2; 1.18; *Flac.* 60; 69; *Dom.* 19; *Har. resp.* 29; *Balb.* 13; 31; *Pis.* 48; *Phil.* 5.48.

²⁰ 'Suos enim agros studiose colebant, non alienos cupide appetebant; quibus rebus et agris et urbibus et nationibus rem publicam atque hoc imperium et populi Romani nomen auxerunt' (*Rosc. Am.* 50).

Pro Rabirio perduellionis reo in which the terms of the so-called ‘last decree’ of the senate are phrased so that the consuls are called upon to take care that the *imperium* and *maiestas* of the Roman people take no harm, rather than the more common version, in which it is the *res publica* which is to be defended.²¹ There are other passages which also show this usage, simply by the context in which they appear. One notable example is from the *Fourth Catilinarian*, where he describes the conspirators as attempting to install the Allobroges in the ruins of the city and amongst the ashes of the *imperium*, showing that in this passage at least, setting fire to Rome burns down the *imperium*.²² In passages like this, the *imperium*, the power of the Roman people, stands for the state itself; and it is interesting that in several places in this list, the context is the wellbeing or survival of the *imperium*, by which is meant not just the external territories of the Romans but the state as a whole.²³

There are of course also a considerable number of passages in which the power of the Roman people is described as it is applied to non-Romans, especially those beyond Italy, and some of these overlap with the category of *imperium* as state. On my reckoning

²¹ ‘Fit senatus consultum ut C. Marius L. Valerius consules adhiberent tribunos pl. et praetores, quos eis videretur, operamque darent ut imperium populi Romani maiestasque conservaretur’ (*Rab. perd.* 20). Compare the formulation in *Phil.* 5.34: ‘Quapropter ne multa nobis cotidie decernenda sint, consulibus totam rem publicam commendandam censeo eisque permittendum ut rem publicam defendant provideantque ne quid res publica detrimenti accipiat.’ On the formulation of the ‘last decree’, see Lintott (1999a), 89–93 and (1999b), 149–53.

²² ‘Sic nos in his hominibus qui nos, qui coniuges, qui liberos nostros trucidare voluerunt, qui singulas unius cuiusque nostrum domos et hoc universum rei publicae domicilium delere conati sunt, qui id egerunt ut gentem Allobrogum in vestigiis huius urbis atque in cinere deflagrati imperi conlocarent, si vehementissimi fuerimus, misericordes habebimur’ (4 *Cat.* 12).

²³ Thus, his paralleling of himself and Marius: ‘Fateor et addo etiam: ex eo municipio unde iterum iam salus huic urbi imperioque missa est’ (*Sull.* 23); cf. *Leg. Man.* 14; 48; 64; 1 *Cat.* 12; 3 *Cat.* 20; *Arch.* 28; *Sull.* 86; *Att.* 1.19.7; *Post red. ad pop.* 21; *Balb.* 22; *Sest.* 1; 50; 116; *Orat.* 2.168; *Scaur.* 48; *Deiot.* 11.

this imperial power appears in 99 of the total of 174 passages which are about the *imperium* of the Roman people.²⁴ The distribution is similar to that which we have seen for the category as a whole: the great majority occur in speeches (81.6%) and they are infrequent in letters (only seven cases (7.1%)), of which two are found in *Q Fr.* 1.1, one to the senate in 51 and two to Cato in 50). For the most part these are abstract, as opposed to concrete or geographical, usages. This is clearest in some earlier cases, where *imperium* is paralleled grammatically with abstract nouns.²⁵ In some passages the abstraction is slightly less marked, where the abstract noun is modified by *imperium* in the genitive.²⁶ One particularly interesting case is the use of *imperium* with *dicio*, which, as is clear from other Ciceronian uses, normally means the power to impose the wishes of a stronger on a weaker, especially in foreign policy contexts.²⁷ In two earlier passages *dicio* is a parallel (almost a synonym) for *imperium*,²⁸ and in a later case an attribute of it.²⁹ All these suggest that the imperial power of Rome is seen as an abstraction; and this

²⁴ *Rosc. Am.* 50; 2 *Verr.* 1.55; 1.79; 1.82; 3.13; 3.66; 4.25; 4.88; 4.134; 5.8; 5.50; 5.51; 5.85; 5.97; 5.115; 5.123; 5.150; *Font.* 12; 17; *Leg. Man.* 35; 53; 54; 55; 64; 3 *Cat.* 26; 4 *Cat.* 4; 21; *Leg. agr.* 1.2; 1.6; 2.35; 2.73; *Mur.* 22; 58; 74 (twice); 75; *Rab. perd.* 33; *Arch.* 28; *Sull.* 33; *Att.* 1.19.7; *Q Fr.* 1.1.33; 1.1.34; *Flac.* 27; 30; 60; 69; *Dom.* 19; 20; 129; 132; *Post red. ad pop.* 9; *Fam.* 1.7.4; *Har. resp.* 29; *Prov. cons.* 4; 5; 6; 13; 29; 31 (twice); 33 (twice); 34; *Or. perd.* 16 (*Alex.*) fr. 7; *Balb.* 13; 16; 22; 25; 34; 39; 49; 51; 64; *Sest.* 57; 58; 67; 129; *Orat.* 1.14; 3.131; *Pis.* 48; 84; *Rab. Post.* 6; *Or. perd.* (*De aer. al. Milonis*) 15 fr. 10; *Rep.* 3.24; 6.16; *Mil.* 83; 98; *Fam.* 15.1.5; 15.4.10; 15.4.14; *Lig.* 7; *Off.* 2.27; 2.28; *Phil.* 4.13; 5.37; 5.48; 7.15; 11.31; 13.14.

²⁵ *Rosc. Am.* 51 (*nomen*); 2 *Verr.* 1.55 (*dicio*); 1.79 (*nomen*); 1.82 (*nomen*); 4.25 (*nomen*); 4.88 (*maiestas* and *gloria*); 5.123 (*aequitas*); 5.150 (*nomen*); *Font.* 12 (*dicio*); *Leg. Man.* 54 (*utilitas* and *dignitas*); *Rab. perd.* 33 (*civitas* and *gloria*); *Flac.* 69 (*nomen*); *Dom.* 19 (*nomen*); *Balb.* 39 (*nomen*).

²⁶ Thus *nomen imperi*: 2 *Verr.* 1.82; 4.25; 5.97; *Leg. agr.* 1.2; 2.45; 2.87; *Flac.* 18; *Balb.* 13; *Sest.* 24; *Pis.* 48.

²⁷ *Quinct.* 6 (parallel *potestas*); 94 (parallel *nutus*); *Div. Caec.* 66 (parallel *amicitia*, in foreign policy context); 2 *Verr.* 1.96 (parallel *potestas*); 4.60 (parallel *regnum* of foreign kings); *Leg. agr.* 2.39 (parallel *iudicium* and *potestas*); 2.74 (parallel *potestas*); *Prov. cons.* 32 (of foreign policy); *Balb.* 25 (of foreign policy).

²⁸ 2 *Verr.* 1.55; *Font.* 12.

²⁹ *Phil.* 4.13; *bellicosissimas gentis in dicionem huius imperi redegerunt.*

is further borne out by one passage, in the fragments of Cicero's speech *De rege Alexandrino* of 56 BC, where *imperium* is personified, and represented as having a voice.³⁰

Apart from these instances, there are a further twenty-one cases where the *imperium* of the Roman people is described as being universal and as controlling the whole world (usually in terms of the *orbis terrarum*).³¹ Of these, some relate to the power of *imperium*-holders;³² and in six cases to the effect of Pompeius' victories.³³ Here too it seems that what is being described is the power of the Roman people, rather than its territory, and that is particularly obvious in those places where it is clear that worldwide *imperium* is something which produces the obedience³⁴ or hatred³⁵ of the whole world. It is power, not an extension of territory, that has these effects. The place where such power is to be located is in Rome, as is shown by a series of passages which refer to the city as being the home (*domicilium*, *sedes* or *domus*) of *imperium*.³⁶

This is not to say, of course, that Cicero had no idea of *imperium* as having any territorial extension, and indeed the passages that I have just referred to about the power over the *orbis terrarum* show clearly enough that this was not the case. It is not clear, however, what it was that he thought had such an extension, whether (in terms of our original question) he was thinking about an extent of power or an extent of land. One set of passages which deserves attention

³⁰ *Or. perd.* 16 (*Alex.*) fr. 7: 'non patiar hanc exaudiri vocem huius imperi: "ego te, nisi das aliquid, hostem, si quid dederis, socium et amicum iudicabo."'

³¹ *Rosc. Am.* 131; *Leg. Man.* 53; 64; *Leg. agr.* 1.2; 1.9; 2.35; 2.45; *Mur.* 22; 74; *Sull.* 33; *Att.* 4.1.7; *Dom.* 24; *Balb.* 16; *Sest.* 67; 129; *Orat.* 1.14; 3.131; *Or. perd.* 15 (*De aer. al. Mil.*) fr. 10; *Att.* 14.5.2; *Off.* 2.27; *Phil.* 8.10.

³² *Rosc. Am.* 131; *Leg. agr.* 1.9; 2.45; *Mur.* 74; *Att.* 4.1.7; *Dom.* 24 (ironic, of Clodius); *Orat.* 3.131; *Att.* 14.5.2.

³³ *Att.* 4.1.7; *Balb.* 16; *Sest.* 67; 129; *Or. perd.* 15 (*De aer. al. Mil.*) fr. 10; *Off.* 2.27.

³⁴ *Leg. Man.* 64; *Mur.* 22. ³⁵ *Leg. agr.* 1.2.

³⁶ 2 *Verr.* 5.143; 3 *Cat.* 1; 26; *Leg. agr.* 1.18; 1.19; 1.24; *Sull.* 33; *Prov. cons.* 34; *Balb.* 13; *Orat.* 1.105; 1.196; *Rep.* 2.10.

in this regard is those which use the language of boundaries about *imperium*, particularly *fines* and *termini* and other cognates. It is worth noticing in passing that, of course, there are other sorts of limits to *imperium* than territorial ones: the *imperium* of a magistrate or pro-magistrate had a chronological end, and the words *finis* and *terminare* are used by Cicero in this way.³⁷ But to concentrate for the moment on *imperium* as the power of the Roman people, there are six passages where Cicero uses *termini* or *terminare* to speak about the limits (or more accurately the lack of limits) of the people's power, all but one from the period between 56 and 53 BC.³⁸ Although these are undoubtedly about the bounds (or boundlessness) of the *imperium*, it is in most cases not easy to determine what it is that is (or rather, is not) bounded. It is worth noting, however, that in the instance which appears at first sight the most territorial, where in the *Pro Balbo* Cicero describes the walls of Gades as having been set by the *maiores* as the bounds of *imperium* just as Hercules had used them as the limits of his labours and his journeys, the *imperium* in question is linked with the *nomen* of the Roman people, which suggests that *imperium* here is abstract (that is 'power') rather than territorial.³⁹ In the case of *fines*⁴⁰ it is still more difficult to determine whether the 'bounds' or the 'territories' of the power are being referred to since the word *finis* in the plural can have either of these meanings.⁴¹ In some cases it is clear that 'boundaries' is intended, because the word is used in connection with *terminare*;⁴² in others, especially where the reference is to *propagatio finium imperi*,⁴³ it is not clear which is intended (and

³⁷ 2 *Verr.* 5.77 (*finis*); *Fam.* 3.12.4 (*terminare*).

³⁸ 3 *Cat.* 26; *Sest.* 67; *Prov. cons.* 31; *Balb.* 13; 39; *Or. perd.* 15 (*De aer. al. Mil.*) fr. 10.

³⁹ 'Quorum moenia, delubra, agros ut Hercules iterum ac laborum suorum, sic maiores nostri imperi ac nominis populi Romani terminos esse voluerunt' (*Balb.* 39).

⁴⁰ 3 *Cat.* 26; *Prov. cons.* 29; *Balb.* 13; *Rep.* 3.24; *Mil.* 98; *Phil.* 13.14.

⁴¹ See *OLD*, s.v. *finis* (1) and (2). ⁴² 3 *Cat.* 26; *Balb.* 13.

⁴³ *Prov. cons.* 29; *Rep.* 3.24; *Phil.* 13.14.

indeed may not have been to Cicero). An interesting parallel, which reveals precisely this ambiguity, is in *Pro Murena*, where Cicero is contrasting the legal activity of the prosecutor, Ser. Sulpicius, with the military functions of Murena.⁴⁴ Here the *fines* are (at least in Sulpicius' case) clearly boundaries (though at first it sounds as though Sulpicius is ruling the areas which Murena is conquering) since *fines regere* is a technical term for fixing boundaries;⁴⁵ but it would be rash to pretend on the basis of such a carefully ambiguous passage as this that the idea of *fines propagare* relates to boundaries rather than territory. What it does show, however, is that for Cicero and his hearers the ambiguity was a live one, and that the meaning of *fines* was not settled. For that very reason, it is not possible to know from such passages whether the meaning of *fines imperi* was for Cicero 'bounds on the power of the people' or 'territory of the Roman empire'; or even whether such a distinction would have made any sense to him.

A similar dilemma occurs when we look at other passages concerning *imperium* which appear to have a geographical flavour. In the *Pro lege Manilia*, for instance, he states that the proper rôle of the Roman people had been to fight far from home at the outposts of *imperium* to defend the wellbeing of their allies;⁴⁶ in the *De lege agraria* he states that the *imperium* of the people spreads far and wide;⁴⁷ in the *Pro Flacco* he says, in praise of the exploits of Pompeius

⁴⁴ 'Te gallorum, illum bucinarum cantus exsuscitat; tu actionem instituis, ille aciem instruit; tu caves ne tui consultores, ille ne urbes aut castra capiantur; ille tenet et scit ut hostium copiae, tu ut aquae pluviae arceantur; ille exercitatus est in propagandis finibus, tuque in regendis' (*Mur.* 22).

⁴⁵ Compare *Top.* 23 and 43, and *Leg.* 1.55 for this usage.

⁴⁶ 'Fuit hoc quondam, fuit proprium populi Romani longe a domo bellare et propugnaculis imperi sociorum fortunas, non sua tecta defendere' (*Leg. Man.* 32).

⁴⁷ 'Hoc vero infinitum est, quo et regna omnia et vestrum imperium, quod latissime patet, et ea quae partim libera a vobis, partim etiam ignorata vobis sunt, permissu legis continentur' (*Leg. agr.* 2.35).

against the pirates, that nowhere was left to them that was not within the *claustra* of Rome's *imperium*;⁴⁸ and in the *De provinciis consularibus*, he describes the inhabitants of Thessalonica as being placed in the bosom of the *imperium*.⁴⁹ These are all in different ways geographical expressions, but all could as well be expressing geographical limitations or extensions of *imperium* meaning 'power' as of any notion of Roman territory. The same is true, I think, of what I believed until recently to be the only place in Cicero where a geographical entity seems to be described as *imperium*, and that is in Scipio's dream in the last section of the *De republica*. There Scipio, carried up into the heavens, looks down on the earth, dwarfed by the immensity of the stars, and is brought to a profound sense of humility by its smallness, and still more so by that of 'our *imperium*, with which we touch only, as it were, a point on the globe'.⁵⁰

This is notable as being one of the few places in Cicero's writings where *imperium* is described in connection with a piece of land (*terra*). In fact, *terra* (as opposed to *orbis terrarum* or *orbis terrae*) is hardly ever associated with *imperium* in Cicero, and when it is, in *Pro Murena*, also about Scipio Aemilianus, it is clear that it means power over lands, not that the *imperium* is itself territorial.⁵¹ The passage in the *Somnium Scipionis* is, by contrast, clearly a picture of the *imperium* as involved with a section of the ball of the earth and, as such, much closer to the idea of a territorial empire, in the sense in which this

⁴⁸ 'Nihil esse unde proficiscantur, nihil quo revertantur, omnis sinus, promunturia, litora, insulas, urbis maritimas claustris imperi nostri contineri' (*Flac.* 30).

⁴⁹ 'Vexatur ut Thessalonicensis positi in gremio imperi nostri relinquere oppidum et arcem munire cogantur' (*Prov. cons.* 4).

⁵⁰ 'Stellarum autem globi terrae magnitudinem facile vincebant. iam ipsa terra ita mihi parva visa est, ut me imperii nostri, quo quasi punctum eius attingimus, paeniteret' (*Rep.* 6.16).

⁵¹ 'Quem cum supremo eius die Maximus laudaret, gratias egit dis immortalibus quod ille vir in hac re publica potissimum natus esset; necesse enim fuisse ibi esse terrarum imperium ubi ille esset' (*Mur.* 75). Here Cicero is quoting Q. Fabius Maximus Allobrogicus, on whom see above, p. 53.

becomes normal later, than anything we have seen hitherto. For this reason alone it is of major significance because it focusses our attention on a way of thinking about the *imperium* that was possible for Cicero and his generation but which was not, at least for Cicero, the norm. It is clear that this passage has its intellectual roots in Greek philosophy, not least in the striking passage in Plato's *Phaedo* in which Socrates describes what he calls his myth of the earth, seen from on high, as a ball made up of sections of leather.⁵² The Greek tradition of geographical study was well known to Cicero, who seems, from his correspondence with Atticus in 59 BC, to have been making a special study of Eratosthenes, Serapio, Hipparchus and other geographical writers, with a view to writing a large-scale work on the subject,⁵³ so the use of this image in the *De republica* is not remarkable. However, even in this passage the *imperium* does not appear as an item on the surface of the globe. The *imperium* is not itself the point on the surface of the ball but is the force, the power, the ability to command with which the Roman people 'touch' that small point.⁵⁴ Of course the context of the passage implies that the size of that power is directly related to the size, or smallness, of the point which is touched, and that is in itself important for the process we have been examining; but it does not show that, even in so graphic and geographic a part of Cicero's writing, the *imperium* consisted of an area of territory.

To sum up the results of this investigation so far, it emerges that what Cicero means by *imperium* is essentially 'power', as wielded

⁵² Plato, *Phaedo* 110b5–111c3.

⁵³ *Att.* 2.4.1 and 3; 2.6.1; 2.22.7. On geographical study in the late Republic, see Rawson (1985), 250–66; Nicolet (1988) (= (1991)), ch. 3.

⁵⁴ I owe this important observation to Fritz-Gregor Herrmann. James Zetzel (1995), 235, translates 'through which we come in contact with only a tiny spot of it', which is surely right, but then observes oddly that 'to describe the Roman Empire as a *punctum* has no classical parallel, and hence C. qualifies it with *quasi*'. It is not the *imperium* which is the *punctum*, but the place at which we touch the earth with *imperium*.

by the magistrates and pro-magistrates of the *populus Romanus* (and this, it is to be remembered, is the predominant use in Cicero), or as that of the people themselves. In this latter case it often stands for the essence of the Roman state itself, or of the power the Roman people exercised over others (including their territories), rather than having a territorial significance as such.

Provincia

Cicero uses the word *provincia*, the other word we are investigating, in 673 passages. It is not surprising that the vast majority of these relate to the areas of activity of magistrates and pro-magistrates, nor that most of those are geographical. He does occasionally use it, as I have noted in Plautus and Terence, of tasks and responsibilities of others (and on one occasion of atoms in the atomic theories of Democritus and Epicurus), sometimes with humorous overtones.⁵⁵ As with the earlier comic writers, these usages all depend on the notion of a *provincia* as an assigned task or rôle. Again, it is to be expected that some of the *provinciae* to which Cicero refers are not geographical, such as the juridical competence of the urban praetor.⁵⁶ For the most part, however, *provincia* is used of a geographical area under the control of an *imperium*-holder.

As was the case with his uses of *imperium*, there is an inevitable variation in the distribution of his uses of *provincia*. Of the 672 passages I have noted, 220 (32.73%) are from the speeches against Verres; and of the 181 passages from his letters (26.93% of the total), 19 are from his tenure of Cilicia in 51–50. Such concentrations are

⁵⁵ *Sull.* 52 (of a conspirator); *Cael.* 63–4 (in a humorous context, of the task assigned to thugs in the baths); *Fin.* 1.20 (about the *provinciae* assigned to different atoms in atomic theory); *Att.* 12.26.2 (in which Cicero bemoans his lack of activity in 45: 'sed mihi solitudo et recessus provincia est'). Compare above, p. 51.

⁵⁶ 2 *Ferr.* 1.104 (urban praetor); *Mur.* 41 (urban praetor); *Vat.* 12 (*aquaria provincia*); *Scaur.* 23 (of juridical competence of magistrate).

only to be expected, and they emphasise the link between the *provincia* and the holder of *imperium* but say little of just what a *provincia* was.

In context, it is clear that for Cicero *provincia* could be used both of the responsibility of a magistrate or pro-magistrate and of a piece of territory for which such a person was responsible, even when the *imperium*-holder was not involved. This twofold pattern can be seen, for instance, from a comparison of Cicero's remarks about the consuls of 58, L. Piso and A. Gabinius, and about Caesar, following his victories in the civil wars. The former pair, whom he accuses of having been bought off by the tribune Clodius by being given desirable *provinciae* through the *lex Clodia*, he describes as 'traders in *provinciae*', and Clodius as selling *provinciae*.⁵⁷ Here what is being bought and sold is the responsibility of the magistrate. On the other hand, he describes Caesar as being prepared to sell off *provinciae* and *regiones* alongside the possessions of individual citizens, where the items for sale are pieces of land.⁵⁸

It is interesting to note, however, that he rarely refers to the boundaries of *provinciae*, and he speaks of *fines provinciae* in only one speech, that against L. Piso in 56.⁵⁹ Here the same problem arises as with *fines imperii* as to whether it is the boundaries or the territory of the *provincia* which is being referred to, or even if the distinction is one which Cicero would have recognised.⁶⁰ At one point he describes the *fines* of the *provincia Macedonia* as having in the past been the same as that of the swords and javelins of its commanders,⁶¹ which sounds as though it means 'boundaries'; but

⁵⁷ *Post red. ad pop.* 21; *Post red. ad sen.* 10; *Fam.* 1.9.13 (of Piso and Gabinius in 58); *Sest.* 84 (of Clodius in 58).

⁵⁸ *Off.* 2.27: 'non singulorum civium bona publicaret, sed universas provincias regionesque uno calamitatis iure comprehenderet.' Cf. *Phil.* 5.11.

⁵⁹ *Pis.* 37; 38; 49; 57. ⁶⁰ See above, p. 75.

⁶¹ *Pis.* 38: 'Macedoniam praesertim, quam tantae barbarorum gentes attingunt ut semper Macedonicis imperatoribus idem fines provinciae fuerint qui gladiatorum atque pilorum'.

in the previous section he has upbraided Piso for having acquired by improper means a *consularis provincia* with *fines* limited only by his own cupidity, to which for the first time Achaëa, Thessaly, Athens and indeed the whole of Greece had been attached.⁶² That sounds like an area or territory. In another passage the *fines provinciae* are said to have been as large as he could wish, which must surely mean 'territory'; but then in the same sentence Piso is described as not confining himself within these and bringing in an army from Syria, outside the *provincia*.⁶³ Here, as with the *fines imperii*, there seems to be no sharp distinction between the two meanings of the word. Asinius Pollio, writing to Cicero in 43, says that matters are so peaceful in Hispania ulterior that he has never gone outside the *fines* of his *provincia*, while Cicero, writing to the senate from Cilicia in 51, describes areas in which he was present with his army as *fines Lycaoniae et Cappadociae*.⁶⁴

Despite the difficulty that we face in translating *fines provinciae*, and the infrequency of its use in Cicero, there is no doubt that he can use the word in a strongly geographical sense. For instance, the *provincia Asia* can be described as 'girded by the sea, adorned with ports, surrounded by islands',⁶⁵ and in another place as 'girded by three new *provinciae*'.⁶⁶ Both of these descriptions are of the landmass that constituted the *provincia*, with no reference to any holder of *imperium*. Indeed although in principle and in origin a *provincia* can exist only if there is a magistrate or pro-magistrate whose *provincia* it is, for Cicero it can also have an ongoing existence in the absence of an *imperium*-holder. In a letter to Atticus, written as

⁶² *Pis.* 37.

⁶³ *Pis.* 49: 'cum finis provinciae tantos haberet quantos voluerat, quantos optarat, quantos pretio mei capitis periculoque emerat, eis se tenere non potuit; exercitum eduxit ex Syria.'

⁶⁴ Asinius Pollio, ap. Cicero, *Fam.* 10.32.5; Cicero, *Fam.* 15.1.2.

⁶⁵ *Flac.* 27: 'mari cincta, portibus distincta, insulis circumdata'.

⁶⁶ *Prov. cons.* 31: 'nunc tribus novis provinciis ipsa cingatur'.

he returns from Cilicia in 50, Cicero complains that the senate has left *provinciae* 'sine imperio';⁶⁷ and in the *De provinciis consularibus* in 56, he describes Macedonia in the same terms when speaking of a time when it was controlled through legates.⁶⁸ Mommsen believed that *sine imperio* was a technical term for the temporary absence of an *imperium*-holder,⁶⁹ but whether this be true or not it does seem that there was a notion of an ongoing entity which was still called a *provincia* when there was no specific individual whose *provincia* it was. Cicero in several places, when he is at pains to emphasise the history of Roman presence in an area, speaks of the *provincia*'s passing from one magistrate to another in ways which demonstrate its continuity;⁷⁰ and he mentions, among the forgeries of Caesar's proposals which Antonius perpetrated after the assassination of the dictator, a decree that Crete should no longer be a *provincia* after the tenure of M. Brutus as proconsul.⁷¹

There is another way in which by Cicero's time the meaning of *provincia* has enlarged from its root meaning of the responsibility of an *imperium*-holder. *Provinciae* are sometimes referred to as belonging to the Roman people,⁷² and also as being 'our' or 'your' *provinciae* when addressing a court or the senate.⁷³ This occasionally is expressed in even stronger language, with the *provinciae* appearing as the possessions or estates of the Roman people, and similar language is used of them as sources of income, especially *vectigalia*.⁷⁴ The contrast between the *provinciae* seen as the possessions of the people as a whole and as the responsibilities of the holder of *imperium* is underlined by Cicero's other use of the phrase *nostra provincia*, in

⁶⁷ *Att.* 7.7.5. ⁶⁸ *Prov. cons.* 5. ⁶⁹ Mommsen, *StR* 1.677 n. 3.

⁷⁰ *Div. Caec.* 13; 2 *Verr.* 1.16; 2.3; 2.5; 2.6; 2.7; 3.16; 3.125; 4.1; *Pis.* 44; 61; *Planc.* 28; *Scaur.* 26; *Lig.* 2.

⁷¹ *Phil.* 2.97. ⁷² 2 *Verr.* 1.78; 3.49; 4.67; 5.136; 5.163; *Pis.* 44; 87; *Phil.* 3.11.

⁷³ 2 *Verr.* 2.7; 3.64; 4.25; 5.157; *Leg. Man.* 5; *Flac.* 67; *Prov. cons.* 31; *Balb.* 9; *Lig.* 24; *Deiot.* 36.

⁷⁴ *Provinciae* as possessions: 2 *Verr.* 2.7; *Leg. agr.* 3.15; as sources of *vectigal*: *Leg. agr.* 1.21; 2.82.

his letters during his time in charge of Cilicia.⁷⁵ However seriously he took his role with regard to 'our *provincia*' at that time, there is no suggestion that he saw Cilicia as territory belonging to him. When the *provinciae* are spoken of as the people's, however, they are very close to being, in modern terminology, overseas possessions.

There is another use of the word *provincia* which relates neither to the responsibility of the *imperium*-holder, nor to the imperial holdings of the Roman state. Frequently Cicero uses the word to refer to the community of people who live in the area. At least 130 of the 673 passages (19.32%) in which he uses *provincia* come into this category.⁷⁶ The clearest and most dramatic examples are those in which the *provincia* is personified, either by making it the subject of an active verb⁷⁷ or the agent in a sentence with a passive verb.⁷⁸ In other passages the *provincia* is given eyes or the ability to praise and give thanks.⁷⁹ Such personifications of *provinciae* are to be found

⁷⁵ *Fam.* 2.11.2; *Att.* 5.13.1; 5.17.5; 5.21.2; 6.1.2; 6.1.14.

⁷⁶ *Div. Caec.* 3; 5; 7; 11; 14; 19; 21; 27; 37; 54 (twice); 63; 65; 1 *Verr.* 2; 2 *Verr.* 1.10; 1.21; 1.35; 1.58; 1.63; 1.76; 1.78; 1.96; 2.1; 2.2–3; 2.5; 2.11; 2.29; 2.37; 2.81; 2.113; 2.117; 2.118; 2.133; 2.134; 2.135; 2.137; 2.139; 2.149; 2.154; 2.155; 2.160; 2.168; 2.184; 3.21; 3.43; 3.45; 3.48; 3.52; 3.60; 3.64 (twice); 3.120; 3.122; 3.124; 3.126; 3.128; 3.129; 3.131; 3.132; 3.137; 3.149; 3.180; 3.186; 3.201; 3.207; 3.213; 3.217; 3.223; 3.224; 4.1; 4.2; 4.8; 4.20; 4.35; 4.42; 4.86; 4.90; 4.105; 4.113; 4.138; 4.142; 4.143; 4.150; 5.29; 5.59; 5.92; 5.94; 5.136–7; 5.157; 5.168; 5.179; *Or. perd.* 9 (*Tog. Cand.*) fr. 8; fr. 24; *Mur.* 33; *Or. perd.* 14 (*Clod.*) fr. 9/10; *Q. Fr.* 1.1.6; 1.1.7; 1.1.13; 1.1.15; 1.1.17; 1.1.30; 1.1.41; 1.2.6; *Flac.* 8; 14; 100; fr. *Med.*; *Pis.* 87; *Fam.* 7.17.3; *Planc.* 100; *Scaur.* 24; 26; 35; *Att.* 5.16.22; 5.20.6; *Fam.* 3.8.5; 3.8.7; 3.8.8; 15.14.3; *Att.* 6.1.2 (three times); *Fam.* 3.9.1; 3.10.5; 3.10.8; *Parad.* 6.46; *Acad.* 2.1; *Phil.* 3.13; 5.24; 7.11.

⁷⁷ For example: 'recepti enim causam Siciliae: ea me ad hoc negotium provincia attraxit' (2 *Verr.* 2.1); 'hic ego, si hanc causam non omnium Siculorum rogatu recepissem, si hoc a me muneri non universa provincia poposcisset . . .' (2 *Verr.* 2.117); 'lugent omnes provinciae, queruntur omnes liberi populi, regna denique etiam omnia de nostris cupiditatibus et iniuriis expostulant' (2 *Verr.* 3.207); 'sed quid opus fuit eius modi litteris quas ad ipsum misisti? illum crucem sibi ipsum constituere, ex qua tu eum ante detraxisses; te curaturum fumo ut combureretur plaudente tota provincia' (*Q. Fr.* 1.2.6).

⁷⁸ For example: 'ergo ab universa provincia, generatimque a singulis eius partibus, non solum diligitur, sed etiam ornatur' (2 *Verr.* 2.168).

⁷⁹ For example: 'cum haec confessus eris, quae in foro palam Syracusis in ore atque in oculis provinciae gesta sunt, negato tum sane, si voles, te pecuniam accepisse' (2 *Verr.* 2.81); 'te de provincia decedentem summa laus et summa gratia provinciae prosecuta est' (*Fam.* 15.14.3).

throughout Cicero's works, though there is a concentration in the speeches connected with the trial of Verres in 70.⁸⁰

These passages, which present the *provinciae* as communities of people, indicate the presence in Cicero's thought and language of a strand which we have already seen developing in the later second century.⁸¹ The use of the word to represent neither the task of the *imperium*-holder nor the territory that he or the Roman people control but the community of those who inhabit such territory seems to be to represent the *provinciae* concerned as communities that have a claim to be treated responsibly by the Romans. This is no doubt why such a large proportion of the passages concerned are from forensic speeches, and especially from those involved in the trial of Verres. Of the 130 instances, 99 (76.2%) are from addresses to the law courts, and of those 90 (69.2%) are from the *Divinatio in Caecilium* and the *Verrines*. This compares with 43.9% of the total set of passages using the word *provincia* which come from forensic speeches.⁸²

Of course not all those living in the *provinciae* were members of foreign communities, as can be seen by Cicero's use of the word *provincialis*, which appears in twenty-four passages.⁸³ In most cases it is used adjectivally and means no more than 'related to a *provincia* or to *provinciae* in general', as in the case of the *edictum provinciale* issued by incoming holders of a *provincia* to indicate the grounds on which he would hear legal actions⁸⁴ or of *negotia provincialia*, of

⁸⁰ *Div. Caec.* 19; 54; 2 *Verr.* 2.1; 2.37; 2.81; 2.117; 2.139; 2.168; 3.64; 3.132; 3.149; 3.207; 4.42; *Or. perd.* 9 (*in toga candida*) fr. 8; *Q Fr.* 1.2.6; *Pis.* 87; *Fam.* 15.14.3; *Att.* 6.1.2; *Acad.* 2.1.

⁸¹ See above, pp. 60–1. ⁸² See Appendix 1.

⁸³ 2 *Verr.* 1.20; 1.112; 1.118; 4 *Cat.* 23; *Mur.* 43; *Att.* 1.17.5; 2.1.12; *Q Fr.* 1.1.15; 1.1.18; 1.1.20; 1.1.43; *Post red. ad sen.* 35; *Vat.* 35; *Cacl.* 73; *Sest.* 7; 13; *Fam.* 15.1.5; 2.7.4; 3.8.1; *Att.* 6.1.15; 6.2.5; *Fam.* 16.4.3; 5.19.1; 15.20.2.

⁸⁴ 2 *Verr.* 1.112; 1.118; *Att.* 6.1.15. On the *edictum provinciale*, see Greenidge (1901), 119–29; Marshall (1964).

the business of the pro-magistrate in his *provincia*.⁸⁵ In five cases it is used as a substantive, referring to a person or persons living in a *provincia*, and of these three relate to Roman citizens,⁸⁶ while the other two have no explicit relation to status, though the contexts suggest that they too are Romans.⁸⁷

Provincia, then, for Cicero can mean the task of an *imperium*-holder, the area of land which often constituted that task or the community of people who lived in that area. One sense which is absent from his usage, or at least from all that we have of his work, is that of *provincia* as a set of legal or administrative norms. Cicero does not use phrases such as *forma provinciae* or *formula provinciae*, which were to appear in writers in the Augustan period and thereafter,⁸⁸ even though some of the materials which were to make up the framework of the governing of *provinciae*, such as taxation and the *edictum provinciale*, were already in existence. He does not even speak of an area's being made or turned into a *provincia* (*provincia facta* or *redacta in provinciam*), though these were used by Caesar and his continuators by the 50s and 40s.⁸⁹ Even though he does use the phrases *redigere in dicionem* and *in potestatem* of bringing others under the sway or into the power of the Romans,⁹⁰ the idea of *provincia* in this abstracted sense is not found. This may be a stylistic quirk, but it is at least arguable that Cicero did not use the word in this way because he simply did not think of *provincia* in these terms. His world-view was ineradicably Rome-centred, and, with the exception of his brief periods as quaestor in Sicily and pro-magistrate in Cilicia, his dealings with *provinciae* were all based in the city. He was not

⁸⁵ *Mur.* 43; *Att.* 2.1.12. ⁸⁶ *Q Fr.* 1.1.18; *Fam.* 3.8.1; 15.20.2. ⁸⁷ 2 *Verr.* 1.20; *Q Fr.* 1.1.15.

⁸⁸ See below, pp. 150–1, 171, 174, 177–9 and 185.

⁸⁹ *Provincia facta*: *B Afr.* 97.1; cf. *B Alex.* 3.4; *redacta in provinciam*: Caesar, *B Gall.* 1.45.2; 7.77.16. See below, pp. 94–5.

⁹⁰ *Redigere in dicionem* (*Leg. agr.* 2.74; *Prov. cons.* 32; *Balb.* 25; *Phil.* 4.13); and *in potestatem* (*Leg. agr.* 2.74; *Flac.* 30; *Off.* 3.79; *Fam.* 12.15.1; *Phil.* 5.46).

involved, as Caesar was during his time in Gaul, in the process of increasing the area of the world over which the Roman *imperium* was exercised. As such, he will of course have focussed on the role of the senate, magistrates and pro-magistrates seen from within the context of the city, so that the business of setting up the structures which a *provincia* might be expected to have and of turning an area into a *provincia* will have been outside his experience. He might reasonably be considered old-fashioned in this sense; but it is probable that he was not unusual. Most of the political class amongst whom he lived and to whom he spoke and wrote will have been more like Cicero than Caesar.

The outsiders: exterae nationes and peregrini

When considering what for Cicero the empire was, we need to look at one other set of passages which can give a clue to his ideas. In fifty-seven places he writes about those peoples who were 'outside', the *exterae nationes* or *gentes*.⁹¹ The question that this raises is just what it was that these communities were outside, and the answer is variable. They stand in quite different relationships to Rome. In some places, the reference is straightforwardly to those who were or were about to become inhabitants of *provinciae*.⁹² Sometimes (and this list overlaps with the last) they are specifically those who have access to the *quaestio de repetundis* in Rome, and are mentioned as such in speeches made before the *quaestio*.⁹³ This is not surprising,

⁹¹ *Div. Caec.* 7; 18; 64; 66; *1 Verr.* 1; 2; 4; 41; 59; 2 *Verr.* 1.68; 1.78; 1.82 (twice); 2.2 (twice); 3.223; 4.25; 4.64; 4.68; 4.115; 4.132; 5.127; 5.149; *Font.* 35; *Clu.* 134; 154; *Leg. Man.* 32; 38; 41; 46; 65; 2 *Cat.* 25; *Leg. agr.* 2.45; 2.47; 2.62; *Sull.* 33; 37; *Flac.* 27; 100; *Dom.* 89; 90; 147; *Balb.* 15; *Sest.* 50; 56; 64; 128; *Pis.* 34; *Mil.* 76; *Parad.* 4.29; *Marcell.* 5; *Div.* 1.121; *Off.* 2.28; *Phil.* 2.65; 5.12; 7.2; 10.10.

⁹² *Div. Caec.* 64; *1 Verr.* 1; 2; 4; 59; 2 *Verr.* 1.78; 2.2; 3.223; 5.127; *Leg. agr.* 2.47; 2.62; *Sull.* 37; *Flac.* 27; 100; *Off.* 2.28.

⁹³ *Div. Caec.* 7; 18; 64; 66; *1 Verr.* 1; 2; 4; 41; 59; 2 *Verr.* 1.78; 1.82 (twice); 3.223; *Flac.* 100.

since we know from the inscription of the *Tabula Bembina* that at an early stage *exterae nationes* were explicitly mentioned as those who could mount an action under the *lex de repetundis*.⁹⁴ In other places, these words seem to refer simply to those who are outside Rome or not part of the Roman people,⁹⁵ and some of these examples are about Rome's reputation in the wider world.⁹⁶ In at least three passages the *exterae nationes* are explicitly a wider geographical category than the *provinciae*. In the *Verrines* Cicero calls the attention of the jurors to a notorious theft by Verres of precious items from king Antiochus of Syria, claiming that it was a story known not only to themselves and to the Roman people but among 'outside' nations to the furthest lands.⁹⁷ The 'beyond-ness' of the *exterae nationes* is clearer still, when they appear in the final sentence of Cicero's speech to the *pontifices* in which he is attempting to recover his house after his return from exile in 57, at the climax of a list of those glad to see his return which begins with the immortal gods and ends with the *pontifices* themselves and encompasses the senate, the Roman people, the whole of Italy, the *provinciae* and the *exterae nationes*.⁹⁸ A similar list, this time of the resources available to the Roman people and not available to Catiline in 63, runs through the senate, the Roman *eques*, the city, the treasury, the incomes of the city, the whole of Italy, the *provinciae* and the *exterae nationes*.⁹⁹ In passages such as

⁹⁴ *Lex rep.* (RS no.1), line 1: '[... quoi socium no]minisve Latini exterarumve nationum, quoive in arbitratu dicione potestate amicitia[ve] populi Romani...]'.

⁹⁵ 2 *Verr.* 4.25; 4.64; 4.115; 4.132; 5.149; *Font.* 35; *Clu.* 134; 154; *Leg. Man.* 32; 38; 41; 46; 2 *Cat.* 25; *Leg. agr.* 2.45; *Sull.* 33; *Dom.* 147.

⁹⁶ 2 *Verr.* 4.25; 4.64; *Font.* 35; *Leg. Man.* 41; 46; *Clu.* 154.

⁹⁷ 2 *Verr.* 4.64: 'de quo et vos audistis et populus Romanus non nunc primum audiet et in exteris nationibus usque ad ultimas terras pervagatum est'.

⁹⁸ *Dom.* 89: 'si dis immortalibus, si senatui, si populo Romano, si cunctae Italiae, si provinciis, si exteris nationibus, si vobismet ipsis, qui in mea salute principem semper locum auctoritatemque tenuistis, gratum et iucundum meum reditum intellegitis esse.'

⁹⁹ 2 *Cat.* 25: 'omissis his rebus quibus nos suppeditamur, eget ille, senatu, equitibus Romanis, urbe, aerario, vectigalibus, cuncta Italia, provinciis omnibus, exteris nationibus.'

these it is clear that the 'outside' nations extend beyond the *provinciae*, and it is noticeable too that they are often linked with foreign kings in Cicero's speeches.¹⁰⁰

The terms *exterae nationes* and *exterae gentes* do not in Cicero's usage seem to distinguish those who are inside or outside the *provinciae*, or even inside or outside the likely effects of the *imperium* of the Roman people. Much the same appears to be true of the use of *peregrinus*, which also means 'foreign' and in particular relates in legal contexts to those who are not Roman citizens and have no access to the *ius civile*, the law of the Roman citizens.¹⁰¹ Cicero uses the word twenty-six times,¹⁰² often explicitly of those who are not Roman citizens. This covers a wide variety of persons, as is hardly surprising of a term whose meaning is essentially negative, and includes Italians as well as provincials from Sicily or Spain;¹⁰³ and sometimes those who are non-members of a city other than Rome.¹⁰⁴ It is also often used in a generalised sense of people or things that are 'un-Roman'.¹⁰⁵

In both of these cases, of the *exterae nationes* and *gentes* and of *peregrinus*, a boundary is implied between those who are inside and those who are not; but in neither case does Cicero's usage suggest that the boundary relates to the *provinciae*. In the latter the basic meaning in legal contexts is of not being a Roman citizen, and more generally not being Roman; and in the former the communities which

¹⁰⁰ 2 *Verr.* 5.149; *Leg. Man.* 46; *Leg. agr.* 2.47; 2.62; *Sull.* 33; *Dom.* 89; 90; *Balb.* 15; *Sest.* 64; *Mil.* 76; *Marcell.* 5.

¹⁰¹ Kaser (1971), 1.279–82; Berger (1953), 626–7.

¹⁰² 2 *Verr.* 4.77; *Leg. agr.* 1.13; 2.94; *Arch.* 26; *Sull.* 22; 23; 25; *Balb.* 55; *Sest.* 95; *Orat.* 1.173; 1.218; 1.249; 2.100; 3.43; 3.44; *Rep.* 1.67; 2.37; *Leg.* 2.60; *Acad.* 2.136; *Amic.* 19; *Off.* 1.37; 1.124; 1.125; 1.149; 3.47; *Phil.* 13.45.

¹⁰³ Italians: *Leg. agr.* 1.13; *Sull.* 22; 23; 25; *Off.* 3.47; Sicilians: 2 *Verr.* 4.77; Spanish: *Arch.* 26.

¹⁰⁴ Capua: *Leg. agr.* 2.94; Athens: *Orat.* 3.43; *Leg.* 2.37.

¹⁰⁵ *Balb.* 55; *Sest.* 95; *Orat.* 1.173; 1.218; 1.249; 2.100; 3.44; *Rep.* 1.67; *Leg.* 2.60; *Acad.* 2.136; *Amic.* 19; *Off.* 1.37; 1.124; 1.125; 1.149; 3.47; *Phil.* 13.45.

are so described are all non-Roman, and thus often the subjects of what might be called Roman foreign policy. Both *peregrini* and *exterae nationes* are to be found both within the geographical areas of *provinciae* and outside them, and indeed in the case of *peregrini* even within Italy. Both sets of people are affected by the *imperium populi Romani* and indeed are defined by their relation to it; but in neither case is that *imperium* a geographical entity. As with those other subjects of Roman foreign policy, their allies (*socii*) and friends (*amici*), the relationship is one of power, whether of influence or control, not of territorial acquisition.

Cicero's empire

What this analysis suggests is that on the spectrum between *imperium* meaning the power of the Roman people or of a magistrate or pro-magistrate of the Roman people on the one hand and *imperium* meaning the territorial empire of Rome on the other, Cicero is closer to the first than to the second. This leaves us with a curious but obvious question: if *imperium* was not the word that Cicero used for 'empire', how did he refer to it? Or should we conclude (by a whimsical reversal of the *nomen nominatum* principle) that it did not have a name, and therefore, for Cicero, did not exist? Far be it from me to suggest that by a piece of linguistic analysis we can abolish the Roman empire of the first century BC; but the first question – how did Cicero refer to the empire? – is worth our consideration.

There are a number of passages in which Cicero does speak about the peoples and territories which we might want to call the empire, most of them in the earlier stages of his career.¹⁰⁶ I want to end this review of Cicero's language by looking briefly at one of the

¹⁰⁶ Thus 2 *Verr.* 3.207; 4.25; 5.168.

passages, towards the end of the fifth *Verrine* where he is working up a fine peroration in which he accuses Verres of undermining the whole status of Roman citizens, by punishing them as though they had no better claim to rights under the law than any non-Roman.¹⁰⁷ If Verres' action were to be allowed, there would no longer be any protection in the cry 'I am a Roman citizen'; he would have closed off the use of that defence from Roman citizens in every *provincia*, every kingdom, every free city, indeed the whole of the world, which has always been completely open to us. What Cicero means, of course, is that Romans would not be protected throughout the Roman empire, through all those provinces, kingdoms and free cities where the Roman writ runs, a region which he calls, in an excusable hyperbole, the whole of the *orbis terrarum*. It was, of course, a hyperbole, and it is worth recalling that the author of the *Rhetorica ad Herennium* gives the reckoning of the *magnitudo imperii* in terms of the rising and the setting of the sun as an example of *superlatio*, a rhetorical device whereby the truth is exceeded in order to augment or diminish the matter in hand.¹⁰⁸ But, hyperbole or not, this collocation of items is closer to an expression of what we would call the Roman empire than any single word or phrase that we have seen up to this point.¹⁰⁹

The predominant use of the word *imperium* is certainly to denote 'power' rather than 'empire' in a territorial sense, but there is clear evidence of the use of geographical ideas of *provincia*, and even of

¹⁰⁷ 2 *Verr.* 5.168: 'tolle hanc spem, tolle hoc praesidium civibus Romanis, constitue nihil esse opis in hac voce, "Civis Romanus sum," posse impune praetorem aut alium quempiam supplicium quod velit in eum constituere qui se civem Romanum esse dicat, quod qui sit ignoret: iam omnis provincias, iam omnia regna, iam omnis liberas civitates, iam omnem orbem terrarum, qui semper nostris hominibus maxime patuit, civibus Romanis ista defensione praecluseris.'

¹⁰⁸ *Rhet. Her.* 4.44. See above, p. 56.

¹⁰⁹ Compare the list of items that a senator needs to *nosse rempublicam* at Cicero, *Leg.* 3.41. See above, pp. 58–9.

imperium, in so far as the power of the Roman people can be seen as affecting sections of the globe. Even in the case of *provincia*, however, references are much more frequently to the community or communities involved than to the territory as such; and, at least for Cicero, the notion of *provincia* as community is linked to the obligations that Roman *imperium*-holders had towards those communities; and often these obligations are not the direct result of the notion of a *provincia* as a task or area assigned to an *imperium*-holder as a military commander. What appears to be lacking in Cicero is any coherent notion of an 'empire', at least in the sense that this might be expressed by the words *imperium Romanum* in the centuries that were to follow. The notion of a territorial empire, so far as it is present at all, seems to be linked to the management of responsibilities consequent upon the exercise of power rather than the presence of that power in a territory as such. This, combined with the traces of a Greek philosophical idea of the geographical nature of the world and the place of the *imperium populi Romani* within it, suggests the ways in which, for Cicero, a territorial notion of the empire as a whole was starting to emerge in the 50s and 40s BC.

II

Were Cicero's presuppositions those of his contemporaries, or was Cicero odd in some way? The most obvious comparators are Caesar and Sallust: although they have not left writings as substantial as those of Cicero, they are prose writers whose concerns are very much those of the political and imperial activity of Rome in just this period, and this alone makes them an obvious starting point for the examination of the way in which those in the late republic thought about empire. This will allow a basis for a brief look at the

work of other writers of the period, and at the 'official' language in documentary and epigraphic evidence.

Caesar and his continuators

Looking at Caesar's use of *imperium*, it is clear that in many ways his use of this word is very different from Cicero's. In the *De bello Gallico* there are fifty-five passages which use the word *imperium*,¹¹⁰ of which only one (1.82%) refers to the *imperium* of a magistrate or pro-magistrate.¹¹¹ By contrast, forty-one of the fifty-five (74.54%) are not about Roman *imperium* at all, but about the power of the various Gallic and German chiefs.¹¹² Only ten passages (18.18%) refer to the power of Roman people¹¹³ and only one of these bears the interpretation, which we have seen often in Cicero, of the Roman state.¹¹⁴ Two of these ten passages have what I have called a 'geographical flavour', one describing the *imperium populi Romani* in Gaul as *iustissimum*, and a second in which the Germans claim that the limit (the verb used is *finire*) of the *populi Romani imperium* is the river Rhine.¹¹⁵ In both cases (and particularly the first), it appears

¹¹⁰ *B Gall.* 1.2.2; 1.3.6; 1.17.2–3; 1.18.9; 1.30.1–3; 1.31.7; 1.31.12–13; 1.33.2; 1.45.3; 2.1.2–4; 2.3.4–5; 2.4.5; 2.4.7; 2.11.1; 2.11.4–5; 2.20.4; 2.22.1; 2.23.4; 3.17.3; 3.17.7; 3.22.1–2; 4.16.3–4; 4.21.5; 5.2.4; 5.6.1–2; 5.7.6–7; 5.11.8–9; 5.20.2; 5.24.4; 5.27.3; 5.29.3–4; 5.39.1; 5.54.5; 6.1.2–3; 6.2.1; 6.8.9; 6.10.1; 6.12.6–7; 6.17.2; 7.1.3; 7.4.6; 7.4.9; 7.20.1; 7.20.5; 7.20.7; 7.33.3–4; 7.37.2; 7.57.3; 7.63.4; 7.64.3; 7.64.8; 7.75.2 (twice); 7.76.4; 7.79.1.

¹¹¹ Caesar describes Pompeius as proconsul at Rome 'ad urbem cum imperio rei publicae causa' (*B Gall.* 6.1.2–3).

¹¹² *B Gall.* 1.2.2; 1.3.6; 1.17.2–3; 1.30.1–3; 1.31.12–13; 2.1.2–4; 2.3.4–5; 2.4.5; 2.4.7; 2.11.1; 2.11.4–5; 2.23.4; 3.17.3; 3.17.7; 3.22.1–2; 5.6.1–2; 5.11.8–9; 5.20.2; 5.24.4; 5.27.3; 5.39.1; 6.2.1; 6.8.9; 6.10.1; 6.12.6–7; 6.17.2; 7.4.6; 7.4.9; 7.20.1; 7.20.5; 7.20.7; 7.33.3–4; 7.37.2; 7.57.3; 7.63.4; 7.64.3; 7.64.8; 7.75.2 (twice); 7.76.4; 7.79.1.

¹¹³ *B Gall.* 1.17.2–3; 1.18.9; 1.31.7; 1.33.2; 1.45.3; 2.1.2–4; 4.16.3–4; 4.21.5; 5.29.3–4; 7.1.3.

¹¹⁴ *B Gall.* 1.33.2: 'quod in tanto imperio populi Romani turpissimum sibi et rei publicae esse arbitrabatur.'

¹¹⁵ *B Gall.* 1.45.3: 'quodsi antiquissimum quodque tempus spectari oporteret, populi Romani iustissimum esse in Gallia imperium; si iudicium senatus observari oporteret, liberam debere esse Galliam, quam bello victam suis legibus uti voluisset.' *B Gall.* 4.16.3–4:

that the *imperium* described is more probably Roman power than Roman territory. In the *De bello civili* Caesar's use of *imperium* is more like that in Cicero, in that, of the twenty-four passages¹¹⁶ in which the word *imperium* is used, sixteen (66.67%) are about the *imperium* of a magistrate or pro-magistrate.¹¹⁷ This compares with 52.48% of all *imperium*-passages in Cicero. Only two passages refer to *imperium* of Roman people, both with a sense of 'state'.¹¹⁸ There are none with geographic 'flavour'.

Of the remainder of the Caesarian corpus, *De bello Alexandrino* is most like *De bello Gallico* in that, of its eleven passages about *imperium*,¹¹⁹ it has eight relating to foreign (in this case mostly Ptolemaic) rulers,¹²⁰ and no mentions of the *imperium* of magistrates or pro-magistrates. Hirtius uses the word only once, and that in a very generalised sense to mean 'power' or 'order';¹²¹ while the *De bello Africo* has four passages¹²² of which one means 'order', one relates to a foreign king¹²³ and two to magistrates and pro-magistrates;¹²⁴ and the *De bello Hispaniensi* has only one passage, about the power of a magistrate, seized illegally by the younger Cn. Pompeius.¹²⁵

All this suggests that for Caesar (and indeed also for Caesar's imitators and continuators) *imperium* could be used in different ways in different contexts, and indeed in ways and contexts unlike those

'ad quos cum Caesar nuntios misisset, qui postularent eos, qui sibi Galliaeque bellum intulissent, sibi dederent, responderunt: populi Romani imperium Rhenum finire; si se invito Germanos in Galliam transire non aequum existimaret, cur sui quicquam esse imperii aut potestatis trans Rhenum postularet?' See above, p. 76.

¹¹⁶ *B Civ.* 1.4.2; 1.5.4; 1.6.6; 1.9.2; 1.31.1-2; 1.32.5; 1.36.1-2; 1.51.2; 1.61.3; 1.85.8; 2.32.9; 2.43.3; 3.4.6; 3.6.1; 3.11.3-4; 3.14.2; 3.18.2; 3.22.1; 3.32.2-4; 3.57.4; 3.74.2; 3.82.2; 3.82.3; 3.95.2.

¹¹⁷ *B Civ.* 1.4.2; 1.5.4; 1.6.6; 1.9.2; 1.31.1-2; 1.32.5; 1.36.1-2; 1.51.2; 1.61.3; 1.85.8; 2.32.9; 3.14.2; 3.22.1; 3.32.2-4; 3.82.2; 3.82.3.

¹¹⁸ *B Civ.* 3.11.3-4; 3.57.4.

¹¹⁹ *B Alex.* 1.4-5; 4.1; 4.2; 15.2; 33.2; 33.3; 33.4; 66.3; 66.5; 67.1; 78.3.

¹²⁰ *B Alex.* 4.1; 4.2; 15.2; 33.2; 33.3; 66.3; 66.5; 78.3. ¹²¹ *B Gall.* 8.24.1.

¹²² *B Afr.* 44.3; 85.4; 91.3; 97.1. ¹²³ *B Afr.* 44.3 (order of commander); 91.3 (of king Juba).

¹²⁴ *B Afr.* 85.4; 97.1. ¹²⁵ *B Hisp.* 42.6.

which we have seen hitherto. Whereas Cicero, whose centre of attention is always the city of Rome, rarely uses the word other than for the Roman people and its magistrates and pro-magistrates, Caesar, especially in the *De bello Gallico*, is entirely comfortable to use it for Gallic and German leaders and nations. The importance of the context is made clear by the difference between the *De bello Gallico* and the *De bello civili*, where the focus is again on Romans and their use of *imperium* as magistrates and pro-magistrates. Despite these differences, however, it is notable that in neither of these works, nor in the other writings of the Caesarian *corpus*, does *imperium* mean a stretch of territory.

The occurrences of *provincia* in Caesar are also marked by context: in *De bello Gallico* there are thirty-five cases out of a total of thirty-seven (94.59%) which are specifically about the province of Gallia Narbonensis (as it was later called).¹²⁶ Indeed he seems to use *provincia* as a name for this particular *provincia*.¹²⁷ These passages are often straightforwardly geographical: he refers to the Allobroges as those who are the first of those outside the *provincia* across the Rhone.¹²⁸ The other two of the thirty-five refer similarly to Gallia Cisalpina.¹²⁹

In two cases the context indicates that he is not so much writing about a specific instance of a particular *provincia* as about the notion of a Roman area of control in an almost abstract sense. In one, Caesar, responding to a speech by Ariovistus, remarks that Q. Fabius Maximus Allobrogicus, after his defeat of the Arverni and Ruteni

¹²⁶ 1.1.3; 1.2.3; 1.6.1–2; 1.7.1–5; 1.8.1; 1.8.3; 1.10.1–2; 1.10.5; 1.14.3; 1.15.1; 1.19.3–4; 1.28.4; 1.33.3–4; 1.35.4; 1.44.7–8; 1.45.2; 1.53.6; 2.29.4; 3.2.5; 3.6.4–5; 3.9.1; 3.20.2; 6.24.4–6; 7.6.3–4; 7.7.2; 7.7.4–5; 7.55.9; 7.56.2; 7.59.1; 7.64.4; 7.64.8; 7.65.1; 7.65.4; 7.66.2–3; 7.77.16.

¹²⁷ For example, *B Gall.* 1.1.3: 'horum omnium fortissimi sunt Belgae, propterea quod a cultu atque humanitate provinciae longissime absunt.'

¹²⁸ *B Gall.* 1.10.5: 'hi sunt extra provinciam trans Rhodanum primi.'

¹²⁹ *B Gall.* 5.1.5; 7.1.1.

in 121, neither reduced them to a *provincia* nor imposed taxation.¹³⁰ The other comes from the speech Caesar gives to the Gallic leader Critognatus at the siege of Alesia in 52. There the fate of the free Gauls, should they surrender to Caesar, is illustrated by the example of the neighbouring area, which is said to be reduced to a *provincia*, its rights and laws altered, and, completely subdued to the axes of Roman magistrates and pro-magistrates, it is oppressed by perpetual slavery.¹³¹ In both of these instances *provincia* seems to refer to the idea of Roman government, with all its attendant regulation of law and taxation. Here the use of the phrase *in provinciam redacta* suggests an institutional, almost abstract sense of *provincia* which was not used by Cicero.¹³²

One other passage is worth remarking at this point in which Ariovistus describes the territory he controls as a *provincia*, in comparison to the Roman *provincia*.¹³³ This occurs in a section in which the German leader contrasts his *imperium* with that of the Romans, and it is in line with his claim to *imperare* the Aedui.¹³⁴ Here the parallel which is implicit in Caesar's frequent use of *imperium* of the Gallic and German leaders and peoples is transferred, logically enough given the mindset attributed to Ariovistus, to the notion of *provincia*. If the Roman people had *provinciae*, why should not the Germans?

As was the case with the use of *imperium*, the different subject matter of the *De bello Gallico* and the *De bello civili* accounts for differences from and similarities to Cicero. In the former the use of *provincia* to refer to the community of people living in the area is

¹³⁰ *B Gall.* 1.45.2: 'bello superatos esse Arvernos et Rutenos a Q. Fabio Maximo, quibus populus Romanus ignovisset neque in provinciam redegisset neque stipendium imposuisset.'

¹³¹ *B Gall.* 7.77.16: 'respicite finitimam Galliam, quae in provinciam redacta, iure et legibus commutatis, securibus subiecta perpetua premitur servitute.'

¹³² See above, p. 85. The same language appears in *B Afr.* 97.1 and *B Alex.* 3.4.

¹³³ *B Gall.* 1.44.7–8. ¹³⁴ *B Gall.* 1.36.1–5.

slightly less frequent than in Cicero (six cases of the thirty-seven,¹³⁵ or 16.21% compared with Cicero's 19.32%). In the *De bello civili*, the number is thirteen of forty-seven, that is 27.66%.¹³⁶ In the case of the word *provincialis* there is a similar variety in its application to Romans and non-Romans as was found above in Cicero.¹³⁷ There is only one use of *provincialis* in Caesar's own works, and this is certainly not about Roman citizens. In the *De bello Gallico* he writes of stationing garrisons in *Rutenis provincialibus*, where *provincialis* clearly means those Ruteni 'belonging to the *provincia* of Narbonese Gaul' as opposed to those who are outside it.¹³⁸ The Ruteni are not *cives Romani*. Of the three passages in the *De bello Alexandrino*, one is about a Roman citizen, one appears to cover all inhabitants of the *provincia Hispania ulterior*, and the third describes Roman legionaries who have been so long in the *provincia* that they feel as 'provincial' as if they had been born there.¹³⁹ This passage is about Roman citizens, but the point of the use of the adjective is not to single them out as such.

As with Caesar's use of *imperium*, there are differences between his and Cicero's use of *provincia*; but again he covers the same range, the pattern of uses being shaped by the contexts in which he and the other authors of the Caesarian corpus are writing. The one distinctive difference, from the point of view of this study, is the use of *provincia* as something which areas can be reduced to or turned into. It is worth noting at this point that all these areas were already *provinciae*, in the sense that they were the responsibility of Roman commanders who were holders of *imperium*. What is meant by *provincia* in this context is clearly not that, but rather something closer to the idea of

¹³⁵ *B Gall.* 1.1.3; 1.15.1; 1.19.3–4; 1.53.6; 3.9.1; 7.66.2–3.

¹³⁶ *B Civ.* 2.17.2; 2.18.7; 2.19.4; 2.20.1–2; 2.32.3; 3.31.4; 3.32.1; 3.32.5–6; 3.34.1; 3.57.4; 3.79.4; 3.102.1–2; 3.105.1–2.

¹³⁷ See above, pp. 84–5. ¹³⁸ *B Gall.* 7.7.4. ¹³⁹ *B Alex.* 55.2; 50.1; 53.5.

a region controlled by the Romans on a permanent basis, exhibiting a set of institutional arrangements, similar in principle to those other regions already permanently controlled. It is significant that it is in these writings, coming from the 50s and 40s BC, that this use is first found.

Sallust

Sallust's surviving works, the *Catilina*, the *Iugurtha* and the fragments of the *Historiae* date from the period immediately after Cicero's death in December 43.¹⁴⁰ They are interesting therefore not only because they provide the witness of another author, but also because his writings followed after the developments that have been traced in the latter part of Cicero's work. He has ninety surviving passages using the word *imperium*.¹⁴¹ The distribution of these passages across the various categories that I have identified when analysing Cicero's works is noticeably different: thus only twenty-seven of the ninety (30.00%) are about the *imperium* of a magistrate or pro-magistrate,¹⁴² compared with 52.48% in Cicero; and only eighteen (20.00%) refer to the power of the Roman people,¹⁴³ compared with 31.93% in Cicero. Fifteen of the ninety (all from *Iugurtha*: 37.5% of the total of forty

¹⁴⁰ For the purposes of this analysis, the spurious invective in *Ciceronem* and the doubtful *epistulae ad Caesarem* are omitted.

¹⁴¹ *Cat.* 1.2; 2.1–2; 2.4; 2.6; 6.1; 6.6; 6.7; 9.4–5; 10.1–3; 10.6; 11.2; 12.1; 12.5; 19.4–5; 29.3; 33.4; 36.1; 36.4; 39.4; 51.12–14; 51.27–8; 51.42; 52.10; 52.21; 52.30–1; 54.4; 55.6; *Iug.* 3.1; 4.7; 5.4–5; 6.3; 8.1; 11.5; 12.1; 13.1–2; 14.1; 14.2; 14.11; 14.16; 14.18; 18.2–3; 18.12; 19.1; 19.3; 20.7; 24.10; 31.10–11; 31.25; 39.1; 39.5; 40.1; 44.1; 44.4; 51.1; 64.5–6; 65.3; 66.3; 77.1; 78.4; 80.2; 85.1; 85.34; 89.4; 92.2; 94.5; 97.4; 100.5; *Hist.* 1 fr. 11 (twice); 1 fr. 55 (three times); 1 fr. 77 (twice); 1 fr. 94; 1 fr. 126; 2 fr. 43; 2 fr. 47 (twice); 2 fr. 70; 2 fr. 87; 2 fr. 98; 3 fr. 2; 3 fr. 48 (three times); 4 fr. 69 (three times); 4 fr. 70.

¹⁴² *Cat.* 6.7; 10.6; 11.2; 12.1; 12.5; 29.3; 33.4; 36.1; 52.21; 54.4; 55.6; *Iug.* 3.1; 4.7; 39.5; 40.1; 44.1; 44.4; 85.1; 85.34; *Hist.* 1 fr. 55; 1 fr. 77; 2 fr. 47 (twice); 2 fr. 98; 3 fr. 48 (three times).

¹⁴³ *Cat.* 9.5; 10.1–3; 10.6; 12.5; 36.4; 51.42; 52.10; *Iug.* 14.2; 14.16; 24.10; 31.10–11; 31.25; 39.1; *Hist.* 1 fr. 11; 1 fr. 55; 3 fr. 2; 3 fr. 48; 4 fr. 69.

passages in *Iugurtha*) are of foreign powers,¹⁴⁴ and thirteen mean simply 'order'.¹⁴⁵ A high proportion (thirty-two of ninety (32.56%)) are generalised, about power, whether of a magistrate or the Roman people or in some other context, but not about a specific instance;¹⁴⁶ in Cicero's discourses, which have the largest proportion of uses of this type, the comparable figure is twenty-one of one hundred and twenty-one (17.56%). This probably reflects Sallust's discursive approach and his tendency to include general reflections in the course of histories.

There are two passages in Sallust which refer to *fines imperi* with some geographical coloration: one of these describes the division of Numidia after the death of king Micipsa, where the *fines* in question are probably lands under the control of the deceased ruler.¹⁴⁷ The second is also from the *Iugurtha*, in this case in the geographical excursus on Africa, where the altars of the Philaeni are said to be the *fnis imperi* of the Carthaginian empire in the direction of Egypt.¹⁴⁸ This seems to be much more a division of territory than the other examples we have looked at in Cicero, and it is perhaps noteworthy that in this case the 'empire' is Carthaginian. Perhaps the most interesting difference between Sallust's usage and anything we have seen hitherto is that on three occasions he uses (for the

¹⁴⁴ Numidia: *Iug.* 5.4–5; 8.1; 11.5; 12.1; 13.1–2; 14.1; 18.2–3; 20.7; 24.10; 65.3; 77.1; 78.4; 89.4; Gaetuli: *Iug.* 18.12; Carthaginians: *Iug.* 19.3.

¹⁴⁵ *Cat.* 9.4; 19.4–5; 52.30–1; *Iug.* 14.2; 31.10–11; 44.1; 51.1; 77.1; 80.2; 92.2; 97.4; 100.5; *Hist.* 2 fr. 87.

¹⁴⁶ *Cat.* 1.2; 2.1–2; 2.4; 2.6; 6.1; 10.1–3; 11.2; 12.1; 12.5; 33.4; 39.4; 51.12–14; 51.27–8; 51.42; 54.4; *Iug.* 3.1; 4.7; 6.3; 14.16; 18.2–3; 19.1; 31.10–11; 39.5; 64.5–6; 66.3; 94.5; *Hist.* 1 fr. 11; 1 fr. 94; 1 fr. 126; 2 fr. 43; 4 fr. 69 (twice).

¹⁴⁷ *Iug.* 12.1: 'primo conventu, quem ab regulis factum supra memoravi, propter dissensionem placuerat dividi thesauros finisque imperi singulis constitui.'

¹⁴⁸ *Iug.* 19.3: 'igitur ad Catabathmon, qui locus Aegyptum ab Africa dividit, secundo mari prima Cyrene est, colonia Theraeon, ac deinceps duae Syrtes interque eas Leptis, deinde Philaenon arae, quem locum Aegyptum versus finem imperi habuere Carthaginenses, post aliae Punicae urbes.'

first time in Latin literature) the phrase *imperium Romanum*, which is not to be found in Cicero, Caesar or any other text, literary or epigraphic before its appearance in the *Catilina*. At *Catilina* 10.1, he describes Carthage as *aemula imperi Romani*, though it must be said that here *imperium* seems to mean the power of Rome, rather than its empire, as at the end of the section he parallels *imperium* with *pecunia*.¹⁴⁹ This looks to be much the same as what Cicero would have called *imperium populi Romani* and it is perhaps worth noting that Sallust uses that expression only twice, both passages being in the *Catilina*, and both being similar to those in Cicero which refer to the Roman state.¹⁵⁰ The other two uses of *imperium Romanum* are from the *Histories*, one about the disreputable behaviour of Metellus Pius' quaestor, C. Urbinus, where it seems to refer to the Roman state;¹⁵¹ and the other about the campaign of M. Antonius against the pirates in 74 BC, which certainly shows 'geographical flavour', but where the *imperium* concerned is probably the imperial power of the Roman people.¹⁵²

Although Sallust is the first writer to use the expression *imperium Romanum*, and although, like Caesar, his application of the word *imperium* is different from that of Cicero, his usage, though veering more closely towards that of the Augustan age, appears not to be very different from that of Cicero or Caesar. The geographical notion of a territorial empire is still not present, and he seems to mean by

¹⁴⁹ *Cat.* 10.1–3: 'sed ubi labore atque iustitia res publica crevit, reges magni bello domiti, nationes ferae et populi ingentes vi subacti, Carthago aemula imperi Romani ab stirpe interiit, cuncta maria terraeque patebant, saevire fortuna ac miscere omnia coepit. qui labores, pericula, dubias atque asperas res facile toleraverant, iis otium divitiaeque, optanda alias, oneri miseriaeque fuere. igitur primo pecuniae, deinde imperi cupido crevit: ea quasi materies omnium malorum fuere.'

¹⁵⁰ *Cat.* 36.4; 52.10; note that at *Cat.* 52.19 Sallust uses *respublica* in very similar context.

¹⁵¹ *Hist.* 2 fr. 70: 'quis rebus aliquantam partem gloriae dempserat, maxime apud veteres et sanctos viros superba illa, gravia, indigna Romano imperio aestimantis'.

¹⁵² *Hist.* 3 fr. 2: 'qui orae maritimae, qua Romanum esset imperium, curator <nocent>ior piratis'.

imperium Romanum much the same as Cicero or Caesar would mean by *imperium populi Romani*, that is the power of the people, which can be taken to stand for the whole state.

Sallust's use of *provincia* is less interesting and always occurs in the straightforward technical sense of an area allocated to a magistrate or pro-magistrate. He has thirty-three instances,¹⁵³ of which sixteen (48.48%) are in the *Iugurtha*, thirteen (39.39%) in the fragments of the *Histories* and only four (12.12%) in the *Catilina*. One interesting use is *provincia* by itself to mean the province of Africa in the *Iugurtha*, just as Caesar uses it to refer to Narbonese Gaul.¹⁵⁴ The most notable difference from Cicero (and even from Caesar) is absence of *provincia* to mean the community of those living in the area. There is no example of this usage.¹⁵⁵ In part this may be because his subject matter is focussed on politics at Rome, but it may also reflect the attitude of someone who, while the first holder of the new *provincia* of Africa Nova, was accused on his return to Rome in 45 of having ravaged the area and its inhabitants.¹⁵⁶

Varro and Nepos

Two other writers from the late republic and triumviral period should be considered here. Varro and Nepos are, of course, very different writers. The first was a man of unsurpassed erudition whose work covered an extraordinary range of topics from grammar to law, agriculture, history, philosophy and music; the second, though

¹⁵³ *Cat.* 19.2–3; 26.4; 39.2; 42.3; *Iug.* 13.4; 25.5; 25.10; 27.3; 31.20; 35.4; 39.4; 41.7; 43.1; 44.4; 61.2; 62.10; 82.2; 82.3; 84.1; 114.4; *Hist.* 1 fr. 55; 1 fr. 77 (twice); 1 fr. 107; 2 fr. 43; 2 fr. 47 (twice); 2 fr. 70; 2 fr. 98; 3 fr. 45; 3 fr. 46; 3 fr. 48 (twice).

¹⁵⁴ *Iug.* 13.4; 25.5; 25.10; 39.4; 61.2.

¹⁵⁵ He also never uses *provincialis*, though this is not a very common word in historians. Livy has only four examples. See below, p. 126. Neither Sallust nor Livy uses the word *municipalis*, and it may simply be that such adjectives were not favoured.

¹⁵⁶ Cassius Dio 43.9.1–3.

covering a small part of the same ground, was a much simpler thinker.¹⁵⁷ They are included together here not because they are intellectually comparable but because they were writing at about the same time and they reflect the same uses of *imperium* and *provincia* that we have found in other writers.

Varro has six passages in surviving works about *imperium*.¹⁵⁸ Of these, four are about the power of the magistrates of the Romans;¹⁵⁹ one, from the *De lingua Latina*, is about the meaning of the word in the most general sense;¹⁶⁰ and the other is about the *imperium* as exercised among the bees.¹⁶¹ The two passages in which he uses *provincia* are about the *provinciae* of the Roman people in Asia (*provincia nostra*) and of the praetor Licinius Nerva in Macedonia;¹⁶² and it also occurs in the title of one of the books of the *Antiquitates humanae*.¹⁶³ He uses *provincialis* once in one of his *Satires*, where the exact context is unclear but the word seems to mean 'a person from a *provincia*'.¹⁶⁴ All these usages seem to be like those we have seen in Cicero: *imperium* means 'power', either in a general sense or specifically that of a magistrate; and *provincia* an area controlled by the Roman people or one of its magistrates or pro-magistrates, or (as in the use of *provincialis*) the community of those who lived there.

Nepos' usage is highly coloured by subject matter. Of the forty-five passages in his surviving works which use *imperium*, thirty-eight refer to foreign entities.¹⁶⁵ This frequency is obviously determined

¹⁵⁷ See the brief but illuminating introduction by Horsfall (1989), xv–xx.

¹⁵⁸ *Sat. Men.* fr. 450; *Antiquitates rerum humanarum* 21 fr. 2; *De vita populi Romani* 123; *Ling.* 5.87; 7.85; *Rust.* 3.16.6.

¹⁵⁹ *Sat. Men.* fr. 450; *Ant. rer. hum.* 21 fr. 2; *De vit. pop. Rom.* 123; *Ling.* 5.87.

¹⁶⁰ *Ling.* 7.85. ¹⁶¹ *Rust.* 3.16.6. ¹⁶² *Ling.* 5.17; *Rust.* 2.4.1.

¹⁶³ *Ant. rer. hum.* Liber XIII De provinciis Tanaidis.

¹⁶⁴ *Sat. Men.* fr. 176: 'habet quiddam enim ἑλκυστικὸν provincialis formonsula uxor'.

¹⁶⁵ *Milt.* 2.3; 3.2; 3.5; 6.4; 7.1; 8.2; *Them.* 4.2; 7.2; *Ar.* 2.2–3; *Cim.* 2.4; *Alc.* 5.4–5; *Con.* 3.2; 4.4; *Dion.* 5.3; *Timoth.* 2.12; *Dat.* 3.5; 4.2; *Epam.* 7.3–4; 7.5; 10.4; *Pel.* 2.5; *Ag.* 1.3; 2.1; 2.3; 7.2; *Eum.* 2.3; 4.1; 6.1–2; 7.1–2; 11.3; *Phoc.* 2.4; *Timol.* 2.3; *Reg.* 1.2; 2.2; 3.1; *Ham.* 3.3; *Han.* 3.1; 7.3.

by the fact that he is writing the lives of foreign generals, and the pattern appears at first sight to be the same as we have already seen in Caesar's *De bello Gallico*.¹⁶⁶ There are signs, however, that the intentions behind these usages are different: in some places, notably in the speeches he gives to Ariovistus, Caesar seems to be using the language of *imperium* and *provincia* deliberately, to draw a parallel and point a contrast between the Romans and the non-Romans.¹⁶⁷ Nepos, on the other hand, while clearly using Roman terminology to describe foreign generals, seems to do so with no such intention, as when he says of Hamilcar that he 'finis imperii propagavit'.¹⁶⁸ This is of course the Carthaginian *imperium*, but there is no indication in the text that any point is being made by this use of Roman technical language to describe it. Only in two places does he refer to *imperium* of Romans, once of a Roman magistrate,¹⁶⁹ and once to the power of the Roman people, where he uses the same notions of worldwide power and of Rome as the home of that power as we have seen in Cicero.¹⁷⁰ He uses *provincia* in only seven passages,¹⁷¹ four of which, from the lives of *Cato* and *Atticus*, are references to a magistrate's or pro-magistrate's area of command, the other three being to foreign commanders in a similar sense. As with the use of *finium imperii propagatio*, noted above, he seems to be translating the actions of foreigners into terms which his Latin-speaking audience might more easily understand, since, as he states explicitly in the preface to his *Lives of Foreign Generals*, he is writing for those without Greek.¹⁷² There is, however, no sign of *imperium* in the sense of a territorial empire of the Romans, or of foreign powers, and when he has Hannibal advise Antiochus to fight 'de summa imperii' nearer to the

¹⁶⁶ See above, pp. 92 and 95. ¹⁶⁷ *B Gall.* 1.36 and 44. See above, p. 95.

¹⁶⁸ *Ham.* 2.5. ¹⁶⁹ *Han.* 5.3.

¹⁷⁰ *Att.* 3.3: 'qui primum illud munus fortunae quod in ea potissimum urbe natus esset, in qua domicilium orbis terrarum esset imperii.'

¹⁷¹ *Alc.* 4.3; *Dat.* 1.1–2; 10.2; *Cato* 1.4; 2.1–2; *Att.* 6.4; 8.5. ¹⁷² *Prolog.* 2.

Tiber than to Thermopylae, he is surely writing about world power rather than a stretch of territory.¹⁷³

Lucretius and Catullus

Before leaving the literary sources of Cicero's age, a brief note on the poets is required. Lucretius uses *imperium* four times, twice of the power of a magistrate, once of the power of the gods to rule and once generally of the power of rulers.¹⁷⁴ Catullus uses it twice, both times in the sense of an order,¹⁷⁵ and also twice uses *provincia* of the area controlled by a pro-magistrate, with the connotation in one case of the community within that area.¹⁷⁶ All these can be found, as has been noted, in the prose writers of the period, and (at least in the uses of *imperium*) in the poets of the second century.¹⁷⁷

'Official' language: the evidence of documentary sources

The 'official' language which was examined in the last chapter in documents from inscriptions is to be found in the Ciceronian age both in citations in literary sources and epigraphic materials. A distinction should be drawn, particularly with regard to the epigraphic evidence, between two types of official communication, one using the formal legal language of statutes and of the more formal parts of *senatus consulta* and the other the language of diplomacy, found mostly in letters to foreign communities and similar documents.¹⁷⁸ In the former, *imperium* always means 'power', sometimes of local magistrates;¹⁷⁹ or of Roman magistrates or pro-magistrates;¹⁸⁰ or

¹⁷³ *Han.* 8.3. ¹⁷⁴ Magistrates: 3.998; 5.1142. Gods: 6.55. General: 5.1128.

¹⁷⁵ 63.80; 68.114. ¹⁷⁶ 10.19; 43.6 (community). ¹⁷⁷ See above, pp. 50–2.

¹⁷⁸ On the style (or styles) of statutes, see the brief summary by Crawford (1996), 16–17.

¹⁷⁹ As in *lex Coloniae Genetivae* (RS 25), CXXV, 13–17; CXXVIII, 12–13; XCIII, 29–31 (43 BC).

¹⁸⁰ *Falerio fr. II* (RS 18), line 4 (86 BC) *lex de Gallia Cisalpina* (RS 28) I, lines 50–1 (42 BC).

power of the Roman people.¹⁸¹ There are two instances of the use of *imperium* in diplomatic contexts, or (to be more precise) two from the same document. In the *lex Gabinia Calpurnia de insula Delo* of 58 BC, there is one use of *imperia* meaning ‘orders’ issued by foreign kings and other powers,¹⁸² and one of *imperium* meaning the worldwide power of the Roman people.¹⁸³ Both of these uses occur in a section of this remarkable document which sets out the motives for the legislation which follows at the end of what survives of the inscription, and which has been noted as being in a far more rhetorical style than is usually found in formal legal documents; and this is no doubt the reason for these two atypical senses of *imperium*.¹⁸⁴ In similar though less high-flown passages in two Greek versions of Roman diplomatic documents, the word *hegemonia* (ἡγεμονία) appears as a translation for *imperium*, and here too the usage, while consonant with what we have seen in Cicero, is unlike the language of formal legal texts: in a letter of the dictator Sulla to the city of Stratoniceia in Caria, which prefaces a copy of a *senatus consultum* in favour of the city, it is used in a sense which means the whole Roman state;¹⁸⁵ and the word appears again in a similar letter from Julius Caesar to Mytilene in 46 BC, where the state of the stone makes the precise significance unclear, though it may well be the same.¹⁸⁶ In one other case, that of the text of the *senatus consultum* about a dispute

¹⁸¹ *Foedus Callatinum* (ILLRP 516), lines 5–6 (71 BC): ‘[poplo Rom]ano quei[ve] sub inperio | [eius]’.

¹⁸² *Lex Gabinia Calpurnia de insula Delo* (RS 22), lines 12–14: ‘quae insula post hominum me[m]oriam semper vacua | [omnium] regum ceivitatium nationumque impereis sacra leib[era immunisque fu-] | [erit].’

¹⁸³ *Lex Gabinia Calpurnia de insula Delo* (RS 22), lines 17–20: ‘sedes Apollinis ac Dianae in ante[quom] statum et | [splendo]rem sit rest[it]uta populeique Roma[nei] dignitatis maiestatis[que sit re publica] | [pulse]rrume administrata imperio am[p]l[ificato] [p]ace per orbe[m] terrarum con- | [fecta].’

¹⁸⁴ See P. Moreau in Nicolet (1980), 21–3.

¹⁸⁵ *SC de Stratonice*. (RDGE 18), lines 3–4: [οὐκ ἀγνοοῦμεν ὑμᾶς] διὰ προ[γ]όνων πάντα τὰ δίκαια | [πρὸς τὴν ἡμετέραν] ἡγεμ[ον]ίαν πεποιηκότας.

¹⁸⁶ *Ep. ad Mytilen*. (RDGE 26), col. b, lines 11–12: [ὅς τὴν ἡγεμονίαν, φιλίας δόγ[ματος] | [τοῦ ἡμῖν συγκεχωρημένου δι]ατέπομφα πρὸς ὑμᾶς τὸ ἀντίγραφον.]

between the city of Oropus over the status of land dedicated to the god Amphiaraus from 73 BC, the revenues from the land are stated to have been set aside for the provision of games and sacrifices for the god and to the victory and the *hegemonia* of the Roman people.¹⁸⁷ This is undoubtedly the *imperium populi Romani*, and here it seems to carry the meaning of the state as a whole.

In the case of *provincia* (or ἐπαρχία in Greek documents) in 'official' contexts, of sixteen instances I have gathered¹⁸⁸ all but two refer in a formal sense to geographical areas assigned to Roman magistrates and pro-magistrates. The exceptions are in the *lex Cornelia de XX quaestoribus*, which is about the *aerarium* as the *provincia* of the urban quaestor;¹⁸⁹ and in a letter of a Roman magistrate to Miletus in the late 50s BC, where the writer uses the word ἐπαρχία in the sense of 'community'.¹⁹⁰ This last is a document clearly on the 'diplomatic' side of the legal/diplomatic distinction postulated above and includes an unusual statement to the effect that he is writing in Greek to ensure that the recipients of his letter should not misunderstand it.¹⁹¹ It is less surprising that in such a context this less formal, though entirely Ciceronian, usage should occur.

As might be expected, the more formal legal type of official language seems to retain the meanings for both *imperium* and *provincia* which were identified in the previous chapter: *imperium* means the power of a magistrate or pro-magistrate or of the Roman people, and

¹⁸⁷ *SC de Orop.* (RDGE 23), lines 48–9: ὁμοίως δὲ καὶ ὅς μετὰ ταῦτα ὑπὲρ τῆς | νίκης καὶ τῆς ἡγεμονίας τοῦ δήμου τοῦ Ῥωμαίων συντελέσουσιν.

¹⁸⁸ *SC de Stratonice.* (RDGE 18), lines 114–15; 76–7 (81 BC); *lex Cornelia de XX quaestoribus* (RS 14), col. I, lines 1–4 (80 BC); *SC de Asclepiade* (RGDE 22), line 16; 29 (78 BC); *lex de port. Asiae* (Epig. Anat. 14 (1989)), lines 32–3; 34–5; 39–40; 43–4 (75 BC); Cicero, 2 *Verr.* 2.146 (70 BC); *Ep. ad Milesios* (RDGE 52), line 50 (51 BC); *Tabula Heracleensis* (RS 24), lines 90–2; 100–2 (44 BC); *lex Coloniae Genetivae* (RS 25), CXXVII, 3–6; fr. 5, 2–3 (43 BC); *Ep. de Seleuco nauarcha* (RDGE 58), lines 68–9 (35 BC).

¹⁸⁹ *Lex Cornelia de XX quaestoribus* (RS 14), col. I, lines 1–4.

¹⁹⁰ *Ep. ad Milesios* (RDGE 52), lines 50–1: ἵνα κοινῶς πάσῃ τῇ ἐπαρχείᾳ[ι τὸ] | δίκαιον ἔσταμένον ἦι εἰς τὸν αἰεὶ χρόνον.

¹⁹¹ *Ep. ad Milesios* (RDGE 52), lines 55–7.

provincia the area of responsibility (whether geographical or not) of holders of *imperium*. The diplomatic style shows more clearly the developments which were beginning to be seen in literary sources at the end of the previous period and throughout in the works of Cicero, with *imperium* being used to represent the whole entity of Rome as a state and also the international, worldwide power of the Roman people. In neither case, however, is there any use of *imperium* in official contexts meaning a territorial empire.

Before leaving the consideration of official language, it is worth noting one other context which might be expected to reveal a more territorial and imperial sense. The phrase *propagare fines imperii* seems to have been used in the context of the religious observances at the beginning of the consular year, particularly in the responses of the *haruspices* to the sacrifices undertaken then.¹⁹² In the literary sources of this period, it appears in reference to the *propagatio finium imperi* achieved by or hoped for by successful generals; but it is noteworthy that the phrase always describes something done by a holder of *imperium* rather than the people.¹⁹³ The *imperium* that is being propagated is, presumably, that of the *populus Romanus* rather than of the individual concerned, but, as the association of these words with the inauguration of the consuls demonstrates, it is through the *imperium* of the magistrates that the *imperium* of the people is enlarged; the first is a manifestation of the second.

III

The language of Cicero and his contemporaries did not emerge from a vacuum. It provided the setting for and was modified by the changes

¹⁹² See Livy, 36.1.3; 42.30.9–11; Tacitus, *Ann.* 12.23.

¹⁹³ Cicero, *Mur.* 22; *Prov. cons.* 29; *Rep.* 3.24; *Phil.* 13.14; Nepos, *Ham.* 2.45–3.1. This last is of a Carthaginian, not a Roman general. See above, pp. 101–2.

in the structures, both governmental and political, which occurred during the tumultuous last half-century of the Roman republic. In particular, what a *provincia* actually consisted of in functional rather than formal terms was very different and far more varied at the end of the republic than in the second century. There is evidence of various developments within the administrative structures of the overseas *provinciae*, such as the laws on the *portorium* of Asia, recorded on the recently discovered inscription from Ephesus;¹⁹⁴ and the edict by which provincial governors declared the cases that they were prepared to hear in their courts was provided with a model (at least for Cicero) by that published by Q. Mucius Scaevola for Asia in the mid-90s.¹⁹⁵ More significant for an understanding of the way in which *imperium* and *provincia* related to the way the empire was seen is the change that took place in the connection between magistrates and their *provinciae*. As we saw in the previous chapter, a *provincia* was in the third and second centuries (and doubtless long before that) a task or area of responsibility allotted to a magistrate holding *imperium*.¹⁹⁶ On occasion a holder of *imperium* who was not, and sometimes had not been, a magistrate might be assigned a *provincia*, but the normal case was that of the allocation to a magistrate.¹⁹⁷ Sulla's alterations to the structure of the magistracies, with an increase in the number of responsibilities within the city as a result of the organisation of the *quaestiones* and in the number of praetors from six to eight, meant that for the praetors the holding of a territorial *provincia* came after the end of their city magistracy and a city-based judicial *provincia*.¹⁹⁸ This was achieved, it would appear, by the prorogation of the *imperium* of the praetors concerned and the allocation of a different *provincia*. This was something which had been done earlier in relation both to

¹⁹⁴ *Lex de port. Asiae* (*Epig. Anat.* 14 (1989)), lines 32–3; 34–5; 39–40; 43–4 (75 BC).

¹⁹⁵ Cicero, *Att.* 6.1.15. ¹⁹⁶ Above, pp. 12–49. ¹⁹⁷ Above, pp. 21–2.

¹⁹⁸ See now the discussion by Brennan (2000), 394–8.

those holding the judicial *provinciae* and to those changing from one territorial *provincia* to another; but in the late third and early second centuries this had usually occurred when the pressures of warfare or the death of magistrate or pro-magistrate meant that another *imperium*-holder was needed unexpectedly. By the end of the second and beginning of the first centuries such continuations of *imperium* to enable the taking of another *provincia* were happening often enough to make them seem unexceptional.¹⁹⁹ Sulla's arrangements resulted in the institutionalisation of this pattern and effectively created a separation of the military and administrative function of the ex-*praetor* from the holding of the magistracy. The same was not true, at least formally, for the consuls, for whom *provinciae* were still selected under the *lex Sempronia* of C. Gracchus six months before they entered office.²⁰⁰ However, since the consuls were often taken up with the affairs of the city for much of their consular years, it was normal for them to leave for their *provinciae* only late in the year or early in the next. The effective division between the city magistracies and the provincial commands was taken further in 52 BC when Pompeius, as sole consul in that year, passed a law which imposed an interval of five years between consuls and praetors holding office and their proceeding to a *provincia*.²⁰¹ This was based upon a decree of the senate in the previous year, passed in the midst of the turmoil over the elections and designed, according to Dio, our only source, to suppress electoral bribery, based on the expectation of funds being recouped at the expense of provincials.²⁰² Although we hear much of the *lex Pompeia* because one of its results was

¹⁹⁹ The instances are collected by Brennan (2000), 241–6. On the change in the second century, see Badian (1964), 73–104; Crawford (1990), 120–1; Brennan (2000), 394–50.

²⁰⁰ Balsdon (1939); Brennan (2000), 395.

²⁰¹ Dio 40.56.1; Caesar, *B Civ.* 1.85.9. See Marshall (1972) and Brennan (2000), 402–3.

²⁰² Dio 40.46.1–3.

the sending of Cicero to his *provincia* in Cilicia, its operation was curtailed because of the outbreak of the civil war less than three years later; but the introduction of a five-year gap of this type, and indeed the motivation behind it, illustrates clearly that the notion of what a *provincia* was had changed. Whereas in the third and second centuries the process of allotting *provinciae* by the senate had consisted of determining the areas of responsibility of elected holders of *imperium*, Sulla's scheme and, still more, the pattern behind the *lex Pompeia* presupposed the ongoing existence of the *provinciae* as entities, whether or not there was an *imperium*-holder there, and the allotment of them to individuals was designed to determine which individuals were to go to these posts, rather than there being *imperium*-holders who were then given particular roles. Whereas the earlier pattern had depended on a predetermined number of individuals with power to whom a flexible number of responsibilities might be given, by the end of the republic the position was on the way to being effectively reversed: the *provinciae* were the (more or less) fixed set, and the problem was to find a pool of individuals from which those who were to take control of them might be drawn. It is hardly surprising that when in January 49 the senate, with Caesar on the point of crossing the Rubicon into Italy, made hasty allocations of *provinciae*, several of those chosen were *privati*, men who had held a consulship or praetorship earlier but were not at the time in possession of *imperium*, and that they did not wait for the grant of *imperium* before leaving Rome.²⁰³ Of course, in times of emergency all sorts of expediciencies are adopted, and Caesar himself, once in Rome, was just as insouciant in his observance of the proper forms;²⁰⁴ but for all that, the way in which the senate acted under

²⁰³ Caesar, *B Civ.* 1.6.5–7.

²⁰⁴ Thus Curio's lack of concern, when visiting Cicero in April 49, about how many *fascēs* he had, and who had granted him *imperium* (Cicero, *Att.* 10.4.8–9).

pressure was a natural development of what was already in place by the end of the 50s.

In parallel with the growth in administration and the gradual shift in the relationship between the magistracies and the overseas *provinciae*, there occurred during Cicero's lifetime the emergence of *provinciae* of an extent, both geographical and in terms of troops and resources, beyond what had been envisaged in the mid second century. Caesar's command in Gaul in the 50s and Pompeius' against the pirates and in the east in the 60s can be seen with hindsight as clear precursors of the monarchic state which appeared under Augustus. For the investigation of what the Romans thought about their empire, however, it is particularly the actions of Pompeius in the aftermath of the defeat of Mithridates of Pontus which are most striking. His command, the result of the *lex Manilia* of 66, was immense, but so too had been that which he had held against the pirates, set up by the *lex Gabinia* in the previous year, and also that of his predecessor in the east, L. Lucullus, from 74. What really made Pompeius' tenure of his huge *provincia* so different was the extent of the reorganisation of the area after the defeat of Mithridates and his allies. The name of the *provincia* which he took as a result of the *lex Manilia* is uncertain: the later Greek sources²⁰⁵ speak of the transfer of Bithynia and Pontus (which had been assigned to the consul of 67, M'. Acilius Glabrio, by a law proposed by the tribune Gabinius)²⁰⁶ and Cilicia (which was at that time held by Q. Marcius Rex, the consul of 68).²⁰⁷ It is possible that, after the manner of the naming of *provinciae* during the Hannibalic war,²⁰⁸ he was given 'the war against Mithridates', since this is how Velleius

²⁰⁵ Plutarch, *Lucullus* 35.9; Dio 36.42.4; Appian, *Mithr.* 97.446–8.

²⁰⁶ Cicero, *Leg. Manilia* 5 and 26; Sallust, *Hist.* 5.13.

²⁰⁷ Dio 36.15.1. ²⁰⁸ See above, pp. 16–17.

Paterculus, Asconius and the Livian *Epitome* all describe it.²⁰⁹ In this case his actions in setting up provincial administrations not only in the expanded *provincia* of Bithynia-Pontus, where his regulations on the internal running of the cities were still fundamental to the work of a Roman governor in the time of the younger Pliny, but also in Syria, might be seen as an extension of the activities of successful commanders of the second century in organising the areas they had conquered.²¹⁰ What Pompeius did, however, was not simply on a vaster scale but also reflects a quite different view of what a *provincia* was. Syria in particular had never previously been assigned by the senate to a magistrate or pro-magistrate, and its first commander was M. Aemilius Scaurus, Pompeius' quaestor, appointed by his general as *pro quaestore pro praetore*.²¹¹ What Pompeius was doing was creating a new *provincia* in a sense that had never been previously done, and it is hardly surprising that the senate, on his return, were unwilling simply to rubber-stamp his *acta*, even if their resolve was strengthened because his old rival, Lucullus, egged them on.²¹²

It was not just the fact that Pompeius had acted unilaterally in making these arrangements in the east which marks a shift in the notion of what a *provincia* was. The changes to the extent of Bithynia-Pontus and the establishment of the *provincia* of Syria came in 64 and 63 BC at the end of his campaigns against Mithridates and as a consequence of them.²¹³ The pattern of senatorial allocation had

²⁰⁹ Vell. Pat. 2.33.1; Ascon. 65C; Livy, *Per.* 100.

²¹⁰ For Pompeius' arrangements in the east, see Sherwin-White (1984), 226–34. On his regulations for Bithynia-Pontus, Pliny, *Ep.* 10.79 and 80. On second-century commanders, compare for instance L. Aemilius Paullus after the defeat of Perseus at Pydna (above, p. 24).

²¹¹ For Scaurus' appointment, Appian, *Syr.* 51.255, *B Civ.* 5.10.40; Josephus, *AJ* 14.79, *BJ* 1.157. For his title, *IGRom.* 3.1102 (= *ILS* 8775): ἀντιπαίαν ἀντιστράτηγον.

²¹² Plutarch, *Pomp.* 46.5–6; *Luc.* 42.4–6; Dio 37.49.3–50.1

²¹³ Appian, *Syr.* 49.250–50.254; *Mith.* 114.556–115.564.

meant that a *provincia* was first named as such not at the end of a military command but before it began.²¹⁴ Whereas the senate's action did not in itself indicate any claim that the area so named was in any sense Roman territory, Pompeius seems to be doing precisely that. Of course the change was less sudden and less radical than this might suggest: the senate continued to allot *provinciae* to holders of *imperium* and there are obvious similarities between what Pompeius was doing and the settlements of various areas at the end of major wars in the second century. However when Flamininus announced the decisions of himself and the ten senatorial commissioners about the status of Greece in 196 or Aemilius Paullus issued regulations for the former kingdom of Macedon in 167, they were not constructing new *provinciae*; indeed they were stating what would follow in those regions once their *provinciae* had come to an end. If, as Appian claims, the Romans undertook a similar exercise in Spain after the destruction of Numantia by Scipio Aemilianus in 133, this related to *provinciae* which were already established.²¹⁵ Pompeius' actions with regard to changes in the areas of *provinciae* also seem to have left their mark on those who followed. When P. Clodius, as tribune of the plebs in 58, needed funds to supplement the treasury, he passed a law sending M. Cato to Cyprus to depose the king, Ptolemy, and to commandeer his substantial wealth. The exact details of what Clodius proposed in this law are unclear. Some sources state that Cato was to organise the island into a *provincia*,²¹⁶ but others, including Cicero, refer only to the despoiling of the king's possessions.²¹⁷ Modern scholars have believed that the seizure of the royal treasury must have involved the

²¹⁴ See above, pp. 23–5. ²¹⁵ Appian, *Hisp.* 99.428.

²¹⁶ Livy, *Per.* 104: 'lege lata de redigenda <in> provinciae formam Cypro et publicanda pecunia regia M. Catoni administratio eius rei mandata est.' Compare Appian, *B Civ.* 2.23.85.

²¹⁷ Cicero, *Dom.* 20–1, 52–3, 65; *Sest.* 56–7; *Har. resp.* 59; Vell. Pat. 2.45.4; Plutarch, *Cat. Min.* 34–8.

'annexation' of Cyprus,²¹⁸ but (apart from the difficulties with the notion of 'annexation' already noted)²¹⁹ there is no mention of any such act in the sources. It may well be the case that the sole intention in sending Cato was the replenishment of the Roman treasury and that he was only to indulge in military action should Ptolemy resist, as indeed Cicero says.²²⁰ This would explain why Cato, who had held no magistracy since his tribunate in 62, was the person sent, and then only as *pro quaestore pro praetore*.²²¹ He will, however, have held a *provincia* in virtue of his *propraetorian imperium*, and it is probable that the name of that *provincia* was Cyprus. Although the similarities of Cato's position to that of P. Lentulus Marcellinus as quaestor in Cyrene from 75 to 74 have been noted,²²² Cato's holding of *imperium pro praetore* makes his role in some ways more like that of M. Aemilius Scaurus, whom Pompeius placed in Syria *pro quaestore pro praetore*.²²³ Although, unlike Syria, Cyprus was not to become a separate *provincia* but was incorporated into the *provincia* of Cilicia when the consul of 57, P. Lentulus Spinther, held it,²²⁴ both Scaurus and Cato were involved, in different ways, in the preliminary stages of the takeover of territory intended to become Roman; and in both cases the initiative for their appointments came not from the normal process of senatorial allocation of *provinciae* but from the actions of individuals. Clodius' law on Cyprus and his subsequent commission to Cato indicates, much as Pompeius' far more significant actions with regard to Bithynia-Pontus and Syria, a change in the notion of what a *provincia* was.

²¹⁸ Badian (1965), 112–13; Brennan (2000), 428.

²¹⁹ Above, pp. 23–5 and 60–1. ²²⁰ Cic. *Dom.* 20. Badian (1965), 112.

²²¹ Vell. Pat. 2.45.4 says he was *quaestor cum iure praetorio* and [Victor], *de viris ill.* 80.2 *quaestor*; but they are certainly wrong. See Balsdon (1962), 135.

²²² Sallust, *Hist.* 2.43. See Badian (1965), 120; Brennan (2000), 408–9, 428.

²²³ See above, p. 110. ²²⁴ Cic. *Fam.* 1.7.4; 13.48.

What Pompeius was doing in creating the *provincia* of Syria, and doing so as an administrative act at the end of a war, foreshadows the pattern that became the norm under Augustus and his successors.²²⁵ The initiative seems to have come from Pompeius himself and is no doubt, as Fergus Millar has shown, the consequence of the supremacy of Rome in the eastern Mediterranean and the outstanding predominance of Pompeius that resulted from his defeat of Mithridates of Pontus.²²⁶ Given the significance in the longer term of this shift in the idea of what a *provincia* was, the question inevitably arises as to what Pompeius thought he was doing in deciding to constitute a new *provincia* as a territory under Roman control. The question is, of course, unanswerable, but the combination of individual power and a view of *provinciae* as territorial entities rather than as responsibilities of holders of *imperium* allocated by the senate suggests that the movement towards the Augustan shape of both principate and empire emerged from the increase of Rome's imperial power in the middle of the first century BC.

Cicero's understanding of *provincia* and its relation to *imperium* was not that of Pompeius or Clodius. The distinction which emerges from the analysis in the earlier part of this chapter is most clear when a comparison is made between the results of Pompeius' settlements after the defeat of Mithridates and the speech which Cicero gave in the senate in support of the *lex Manilia*, which awarded command in the war to him.²²⁷ In the *Pro lege Manilia* Cicero has much to say about the importance of the war, both for the reputation of Rome and the finances on which it relied.²²⁸ He waxes eloquent about the errors of former commanders and on the dangers and distractions which attend those who undertake campaigns in Asia, Cilicia, Syria

²²⁵ See below, pp. 142–3.

²²⁶ Millar (1977), 611–20. Compare the view of Mommsen, *StR* II.662.

²²⁷ See the astute remarks of Sherwin-White (1984), 188–9. ²²⁸ *Leg. Man.* 6–19.

or the kingdoms of the region.²²⁹ In all these cases, he claims, only the sending of the most successful and incorruptible general can meet the desperate need, and that man can only be Cn. Pompeius. All this is couched in terms of the traditional understanding of a *provincia* and of the *imperium*-holder whose command it will be. At no point does he discuss the advantages to be gained by territorial acquisition or of annexation of areas of land, nor indeed of the creation of new *provinciae*.

The difference between what Cicero envisaged and what Pompeius did not only illuminates the views of these two individuals but also goes some way to explain the hostility to the latter's *acta* when they were presented to the senate. Although, as we have seen, Cicero (and interestingly this usage is found only in Cicero at this period) speaks occasionally of *provinciae populi Romani* and of 'our' or 'your' *provinciae*,²³⁰ and although in the 50s and 40s he can refer to *provinciae* in a way that divorces them from the tenure by an *imperium*-holder,²³¹ his basic idea is that of a responsibility for an area, assigned to a magistrate or pro-magistrate by the senate. In this he clearly differs from Pompeius, or for that matter Clodius, in the late 60s and early 50s. What this indicates is a change in at least some minds in the late republic: there is a continuation of the *provincia* as a military command, but also the beginnings of the idea of a province as an entity for the government of an empire.

None the less, there is no sign that even Pompeius or Clodius had a coherent idea of the Roman Empire, or, if they did, they lacked a name for it. Certainly Cicero did not have a word for 'empire' as a territorial conception, but rather an idea of the power of the Roman people which, in a variety of modes, was exercised across what could, with some exaggeration, be described as the whole

²²⁹ *Leg. Man.* 64. ²³⁰ See above, pp. 82–3. ²³¹ See above, pp. 81–2.

world. Given the way that Cicero himself thought about power, as belonging to the Roman people and to those who held *imperium* as a result of election or appointment by the senate and people, this is not perhaps surprising. What it does indicate is that, when we speak of such notions as 'Roman imperialism' or even try to determine what the Romans thought they were doing as they developed in the last three centuries BC what we certainly recognise as the Roman empire, we should be thinking in terms not of annexation of territory or of painting the map red, but of a series of power-based relationships, the forms of which varied, depending on the different circumstances of those involved, both Romans and non-Romans. The result was not a coherent empire, and there is no surprise in discovering that it did not have a name. The creation of the *imperium Romanum* as we see it by the time of Augustus, not to say by the time of Tacitus and Suetonius, was a work of immense intellectual as well as of administrative effort that it does not seem to have occurred to Cicero and his generation to attempt. It was to be the achievement of the empire of the emperors.

The Augustan empire: *imperium Romanum*

The victory of Octavian over Antonius and Cleopatra at Actium in 31, and still more the process, beginning in 28 and culminating in the reordering of his powers and, on 16 January 27, the conferral by the senate and people of the name Augustus marked a change which was rapidly known throughout the Roman world and which altered for ever the nature of the Rome's empire.¹ It was inevitable that so great a change in the distribution and the management of the *provinciae* and the concentration of *imperium* in the hands of one individual would affect the ways in which the words were used, and such language in turn reveals a different way of thinking about empire, certainly when compared with the patterns we have seen in Cicero, but even with the more 'imperial' ideas of Pompeius. In this chapter it is these shifts in meaning, or rather the addition of meanings, of *imperium* and *provincia* which will form the centre of attention, and in particular any evidence for the use of *imperium* in a geographical sense, of 'empire' rather than 'power'.

¹ On the immediate impact of the Augustan monarchy throughout the world, see Millar (1984). For the events of January 27 BC, see Augustus, *Res Gestae* 34.2–3; Dio 53.1–16. The day is recorded in the *Feriale Cumanum* and the *Fasti Praenestini*, though Ovid, *Fasti* 1.590 gives 13 January, erroneously (Syme (1978), 22). On the stages by which the changes were implemented in 28 and 27, see Rich and Williams (1999).

AUGUSTUS AND THE *RES GESTAE*

The obvious place to start such an investigation is with Augustus himself in the record he himself left in the *Res Gestae*. By the end of the reign of Augustus, it is clear that the change for which we are searching had come about. In the *Res Gestae* the *princeps* refers to the closing of the gates of the temple of Janus and writes that the intention of the ancestors had been to close them '[cum p]er totum i[mperium po]puli Roma[ni terra marique es]set parta vic[torii]s pax' ('when through the whole *imperium* of the Roman people by land and sea peace had been gained by victories').² Although the inscription is damaged here, it is clear that what stood in the text was regarded as referring to a territorial empire, as is shown by the Greek version of this clause, which reads εἰρηνευομένης τῆς ὑπὸ Ῥωμα(ι)οῖς πάσης γῆς τε | καὶ θαλάσσης ('the whole of earth and sea having been pacified by the Romans').³ Although this is in some ways more of a paraphrase than a translation (the phrase 'parta victoriis pax' is rendered by the one word εἰρηνευομένης), it is none the less notable that for the translator 'per totum imperium populi Romani terra marique' could be rendered by 'τῆς ὑπὸ Ῥωμαίοις πάσης γῆς τε καὶ θαλάσσης'. This is the more significant because the words concerned refer not to the empire in the time of Augustus, but in the period before his birth.

Of course, this was not the only significance of *imperium* in the *Res Gestae*. When, in a famous passage, Augustus states that 'Aegyptum

² '[I]anum] Quirin[um, quem cl]aussum ess[e maiores nostri voluer]unt, | [cum p]er totum i[mperium po]puli Roma[ni terra marique es]set parta vic[torii]s pax, cum priu[s qua]m nasceret a condita urbe bis omnino clausum | [f]uisse prodatur m[emori]ae, ter me princ[ipe] senat[us] claudendum esse censui[t]' (Augustus, *Res Gestae* 13).

³ Πύλην Ἐνυάλιον, ἣν κεκλίσθαι οἱ πατέρες ἡμῶν ἠθέλησαν | εἰρηνευομένης τῆς ὑπὸ Ῥωμα(ι)οῖς πάσης γῆς τε | καὶ θαλάσσης, πρὸ μὲν ἐμοῦ, ἐξ οὗ ἡ πόλις ἐκτίσθη, | τῷ παντὶ αἰῶνι δις μόνον κεκλίσθαι ὁμολογεῖται, ἐπὶ δὲ ἐμοῦ ἡγεμόνος τρίς ἡ σύνκλητος ἐψηφίσατο κλεισθῆναι (Augustus, *Res Gestae* 13).

imperio populi [Ro]mani adieci' ('I added Egypt to the *imperium* of the Roman people'), the translator renders this as Αἴγυπτον δῆμου Ῥωμαίων ἡγεμονίαι προσέθηκα ('I added Egypt to the *hegemonia* of the Roman people').⁴ Here there is no suggestion that the *imperium populi Romani* is a territorial entity; it is rather the power exercised by the Roman people. Altogether in the inscription, the word *imperium* occurs nine times, and, of the other seven, three refer to the power of the Roman people;⁵ three to the power of a magistrate;⁶ and one to orders issued by the Roman people.⁷ What is notable is not that Augustus used the word in the same way as it had been used by republican writers in eight out of these nine occurrences, but that he used it in a different way in one.

But when? If we assume, as is generally done, that the first draft of the *Res Gestae* as we have it was written in about 2 BC, it is reasonable to assume that this passage was not written before that date.⁸ Moreover, the only date that any source provides for the third closing of the gates of Janus is also 2 BC, though it should be noted that the source in question is Orosius, who uses this evidence that the whole world was at peace in his account of the birth of Jesus, and on whom we should not perhaps therefore place too much reliance. It is, however, not stretching the evidence too far to suggest that the passage in the *Res Gestae* dates from the second half of Augustus' reign.⁹ By that stage, it is to be expected that the meaning of the word *imperium* will have changed, just as the entities to which it refers had changed. In both the senses that we have been looking at, both the power of the magistrates and the Roman people and

⁴ Augustus, *Res Gestae* 27. ⁵ *Res Gestae* pr.; 6 and 30.

⁶ *Res Gestae* 1 and 8 (twice). ⁷ *Res Gestae* 30.

⁸ For a brief exposition of the arguments on the date of the composition of the *Res Gestae*, see Brunt and Moore (1967), 6.

⁹ Orosius 6.22. Syme (1979), 202–4, argues convincingly for 7 BC.

the extended territory over which that power was exercised, the *imperium* was under the control of one individual, and that in itself was likely to give a more cohesive sense to the significance of the word. The latter half of Augustus' reign would not be a surprising point for the appearance of the new significance of the word that we are looking for. But can we do better than this? Is it possible to see more precisely what was happening, and when? For this, we must turn to the literary sources.

PROSE WRITERS

Compared with the number of poets from the Augustan period, there are few writers in prose. Apart from the historian Livy, to whom we must come shortly, there survive only Vitruvius' *De architectura*, published probably in the 20s BC, and quotations given by the elder Seneca from orators of the period.

Vitruvius uses the word *imperium* only six times, three of these appearing in his introductory preface.¹⁰ In this preface, addressed in suitably obsequious language to the emperor as 'imperator Caesar',¹¹ he uses the word once of the power of the emperor; once of the power of his divine parent; and once, referring to the emperor's care that not only should *civitas* be increased in the *provinciae* but also that the greatness of the *imperium* should have the additional splendours of public buildings.¹² In this last instance *imperium* seems to refer to the power of Rome, perhaps in the sense of the entity that is the Roman state. The other three uses, in the text of the work, relate to an order given by Julius Caesar, the power of a Macedonian

¹⁰ 1.pr.1; 1.pr.2 (twice); 2.9.15; 4.1.4; 6.1.11.

¹¹ This suggests that he was writing before January 27.

¹² 'Ut civitas per te non solum provincii esset aucta, verum etiam ut maiestas imperii publicorum aedificiorum egregias haberet auctoritates' (Vitruvius 1.pr.2).

king, and to the power of the Roman people throughout the world (the result of the divine dispensation whereby Italy was placed in a temperate region).¹³ Although the two uses in the preface are already moving towards the notion that *imperium* is the particular possession of *imperator Caesar* and his parent, the divine Julius, none of these significances is essentially different from what we have seen in the works of Cicero and his contemporaries.¹⁴ The same is true of the two places in which Vitruvius uses *provincia*, once of the areas controlled by the Roman people and once of an area under the rule of the Macedonians in the time of Alexander.¹⁵

The elder Seneca probably wrote his work on declamation shortly after the death of the emperor Tiberius in AD 37, so his own remarks, preserved in the surviving *Controversiae* and *Suasoriae* do not belong to the Augustan period.¹⁶ The famous declaimers he quotes, however, are from this time. In fact there is no discernible difference between the editor and those he cites, if only because Seneca himself uses *imperium* only four times and *provincia* once. Of these, he uses *imperium* to mean the power of the Roman people,¹⁷ the natural power of an orator,¹⁸ the office of a magistrate¹⁹ and the power of a father in a family;²⁰ while he uses *provincia* to refer to Spain as an area controlled by Rome.²¹ All these might be found in Cicero. The same is true of the fifteen passages in which he quotes earlier writers as using *imperium* and the nine examples of *provincia*, though these display, not surprisingly, greater variation. Four of the uses of *imperium* show the basic meaning of 'order',²² while five refer to the power of foreign states or kings.²³ Of the other six, three are to the power of a Roman magistrate²⁴ and three to the power of the Roman people,

¹³ 2.9.15; 4.1.4; 6.1.11. ¹⁴ Above, ch. 3. ¹⁵ 1.pr.2; 8.3.6. ¹⁶ Griffin (1972), 4–5.

¹⁷ *Controv.* 1.pr.11. ¹⁸ *Controv.* 1.pr.15. ¹⁹ *Controv.* 7.7.pr. ²⁰ *Controv.* 10.2.8.

²¹ *Controv.* 10.pr.16. ²² *Controv.* 1.1.8; 1.8.5; 10.2.16; 10.3.6.

²³ *Controv.* 9.4.14; 10.5.15; *Suas.* 1.3; 2.3; 5.5. ²⁴ *Controv.* 1.2.3; 7.7.11; 9.2.8.

with two passages relating to the Roman state rather than simply its power.²⁵ In the case of *provincia*, one use is of the areas controlled by Rome, as opposed to by a specific *imperium*-holder,²⁶ while the other eight passages are of the *provinciae* of individuals.²⁷ Four of these passages, all relating to a favourite topic about the decapitation of a captive by the proconsul Flamininus at the request of a prostitute, use *provincia* to denote the community of those who live there, using it in the nominative, as we have seen in Cicero's speeches.²⁸ There is no case of *imperium* meaning a territorial empire, nor of *provincia* meaning anything other than an area held by an *imperium*-holder on behalf of the Roman people.

The most substantial Latin prose source from the Augustan period is the historian, Livy. There are of course particular problems involved in the examination of the linguistic uses of the language of empire in the writings of an author who is himself describing the growth of the power of Rome across the period from the establishment of the city to the period of Augustus, since it is obvious that at least three factors have to be taken into account: first, Livy has his own ideas about the way in which the growth of empire took place within the period about which he is writing and the nature of the events he describes, and these will have affected his vocabulary and the way in which he uses it; second, the language of the sources he is using from the second and first centuries BC will have influenced his own choice of words; and third, and most significant for present purposes, changes in the linguistic uses in the literary environment in Rome during his prolonged career as a writer should be visible

²⁵ *Controv.* 1.3.1 (state); 9.2.6; 9.2.9 (state, used twice). ²⁶ *Controv.* 9.2.11.

²⁷ *Controv.* 9.2.1; 9.2.2; 9.2.4; 9.2.6; 9.2.7; 9.2.10; 9.2.21; 9.4.19.

²⁸ *Controv.* 9.2.4; 9.2.6; 9.2.10; 9.2.21. On Cicero's usage, see above, pp. 83–4. The topic of Flamininus and the prostitute is loosely based on the expulsion of L. Flamininus from the senate in 184 as a result of his behaviour while consul in Liguria in 192 (Livy 39.42.7–12; Val. Max. 2.9.3; Plutarch, *Flam.* 18.3–7).

in his work. In order to determine the patterns of the last, it will be necessary to determine the effect of at least the first of these three. Ideally we should also examine the ideas that shaped the work of his sources, but this is probably beyond our capabilities, given the small quantities of writing surviving from these authors, and the difficulty in determining the extent to which Livy's own linguistic usage is affected by his sources; but Livy has a Latinity of his own, and certainly he did not merely take over passages from his sources wholesale, though he may have incorporated archaisms from them on occasion.²⁹

One other difficulty must be noted, especially given the nature of the exercise that is being undertaken in this chapter. There is a danger in noting the distribution of usages of words in Livy, both because of the problems in dating the publication of the various parts of his history and because of the fact of the loss of such a large part of it. For this reason, the dating of the patterns of usage can never be more than highly approximate. What is more important to note is that the series of books that we have is not a continuous one (books 1 to 10 and 21 to 45 being all that survive). In order to demonstrate changes in Livy's patterns of usage, I have generally looked at the results of a count of passages decade by decade. This can, of course, hide variations that might be apparent in an examination book by book, but where such variations are particularly notable they will be pointed out, and should in any case be apparent from other information given in the graph in Appendix 2. In the case of Livy I have provided in Appendix 2 the total number of occurrences of the words *imperium* and *provincia* as a proportion of the total number of words in each book. This gives a clearer picture of the increases and

²⁹ See Walsh (1963), 245–70 on Livy's Latinity, and 259 on archaisms; and Oakley (1997), 111–51 on his style and literary techniques, and especially 142–50 on his vocabulary and its development.

decreases of use of these words, particularly in the case of *provincia*, which occurs several times in individual passages, especially in the later books.

Livy uses *provincia* in 465 passages in the surviving books. It is not surprising that, taking the figures decade by decade, there are fewer passages using *provincia* in the first (45) than in the third (160), fourth (175) or (proportionately) the fifth (80). The comparatively small number of magistrates and pro-magistrates in the period covered by the first decade inevitably led to fewer mentions of their *provinciae*; and this explanation is further confirmed by the weighting within the first decade of these mentions (15 in books 1–5 (with none in book 1) and 30 in books 6–10 (with 14 in book 10)). It is also worth noting that, of these passages, a much higher proportion relate to the business of the assigning of provinces in the first decade, as opposed to those using the word *provincia* in the course of the narrative, than is true in the later sections of the work.³⁰ All this suggests that the variation in the distribution of passages between the first and the third to fifth decades depends on the difference in the type of activity by the Roman state that Livy is describing.

Also noteworthy are those passages (46, of which 30 are from the third decade; 10 from the fourth; 3 from the fifth and 3 from the fragment of book 91) in which the word *provincia* is used to describe what is essentially an area under the control of the Roman people rather than of a magistrate or pro-magistrate.³¹ In a similar vein, *provincia* is sometimes used of an area handed on from one commander

³⁰ First decade: 39 of 45 (86.67%); third: 56 of 160 (35.00%); fourth: 56 of 175 (32.00%); fifth: 31 of 80 (38.75%).

³¹ 22.25.6; 22.31.9; 22.56.7–8; 23.32.9; 23.34.10–14; 23.48.5–7; 24.29.4; 25.36.14–15; 26.2.2; 26.18.11; 26.19.12; 26.20.1–2; 26.37.2; 26.41.3–5; 26.41.15; 26.51.11; 27.5.1–3; 27.8.14; 28.10.4–5; 28.12.12; 28.18.10; 28.24.7; 28.25.7; 28.27.7–8; 28.28.9–10; 28.32.6; 29.15.1; 29.22.11–12; 29.26.7; 29.37.5; 30.2.1; 31.29.7; 31.31.9; 32.27.6; 32.28.12; 34.13.8; 34.21.1; 37.50.9; 38.28.1; 39.42.8; 40.44.12; 41.6.6; 44.18.3; 91 (fr. 21) (three times).

to another, rather than being the area allocated to a particular individual.³² Both of these usages are found also in Cicero.³³

There are, however, some notable differences between Cicero's usage and that of Livy. Thus Livy uses *provincia* to describe the area of a foreign commander on fifteen occasions, the majority of these being from the third decade, referring to Carthaginians.³⁴ This is unusual in earlier periods: it occurs in a passage of Plautus' *Captivi*, where, given the nature of Roman comedy, the distinction between a Roman and a Greek usage is not clear;³⁵ and it is used once by Caesar, in a speech given to Ariovistus, who is claiming that he has the same rights over his part of Gaul as the Romans have over theirs.³⁶ The only comparable earlier usage to Livy's quite neutral use of the word for Carthaginian and other peoples is in Nepos, three of whose seven passages are, not surprisingly, references to areas controlled by foreign generals or powers,³⁷ though, as noted, Vitruvius also uses it of an area controlled by the Macedonians.³⁸ This seems to represent the use of *provincia* to translate the Greek ἐπαρχία, which had been used as a translation of *provincia* already in the second century.³⁹ Such a development, traceable from the triumviral and the early Augustan periods, is interesting, since it suggests a broadening of the meaning of *provincia* from a purely Roman context to cover territory controlled by any imperial power.

Unlike Cicero, and indeed unlike the declaimers cited by the elder Seneca,⁴⁰ Livy hardly ever (if ever) uses *provincia* to refer to the

³² For example, 36.17.2; 39.1.2; 40.39.1. ³³ See above, pp. 80–2.

³⁴ 21.5.1–5; 21.22.1–2; 21.44.7; 21.60.5; 22.21.7; 23.5.13; 23.32.5–6; 23.49.12; 27.20.4; 27.21.2; 28.2.12; 40.23.2; 44.18.3; 45.22.2; 45.25.13.

³⁵ Plautus, *Capt.* 156–60.

³⁶ Caesar, *B Gall.* 1.44.7–8. Interestingly Hirtius once uses *provinciae* of the tasks undertaken by leaders of the Senones in collecting grain into their stronghold (Hirtius, *B Gall.* 8.35.1).

³⁷ Nepos, *Dat.* 1.1–2; 10.2; *Alc.* 4.3. See above, p. 102.

³⁸ Vitruvius, 8.3.6. See above, p. 121. ³⁹ See above, pp. 45–9.

⁴⁰ See above, p. 122.

community of people within a *provincia*. There are only five passages which might be taken in this sense, and even these might refer to the area rather than the community.⁴¹ Similarly Livy uses *provincialis* on only four occasions, referring to materials or troops drawn from a *provincia*, and on each occasion the area concerned is Spanish.⁴² The reason for this difference is surely that the personalised use of *provincia* is a feature of oratorical style in a context where the hardships of the inhabitants of the area are the subject of the speech. The examples that have been mentioned hitherto belong to speeches in the *quaestio de repetundis* or an equivalent context, so they are not to be expected in the books of Livy that we have.

Livy uses *imperium* in 571 passages in the surviving books, and here the distribution relates much less obviously to the nature of the historical events he is describing than was the case with *provincia*. Taken decade by decade, there is a decline in the number of passages from 224 (39.23% of the total) in the first decade to 186 (32.57%) in the third, 108 (18.91%) in the fourth and 53 (9.28%, equivalent to 106 in a full decade) in the five books of the fifth. This shows a decline across the surviving books, but with a levelling off in the roughly similar distribution in the fourth and fifth decades. It must be remembered, however, that not all of these uses relate to the power of the state or a magistrate or pro-magistrate: in 89 of the 571 occurrences *imperium* has the common and early sense of an order, and this occurs in every book except 33, 34 and 43.

The same pattern can be seen within the different distribution patterns of various meanings of *imperium*. The largest meaning-group is of those passages in which the word is used for the power of an individual magistrate or pro-magistrate, with 272 of the total of

⁴¹ 28.24.1; 31.10.5; 32.7.5–7; 34.21.7; 45.26.11. ⁴² 28.21.10; 39.31.15; 40.31.1; 40.32.4.

571 passages (47.64%). This is comparable with Cicero's usage, who has 285 of 545 passages with this meaning (52.29%). Of these, 123 (21.54% of all passages) are from the first decade, 89 (15.59%) from the third, 40 (7.01%) from the fourth and 20 (3.00%) (equivalent to 40 in a complete decade) from the fifth. Here again, there is a consistent decline in the number of passages, with a similar distribution in the fourth and the five books of the fifth decades, and here too the change is not obviously connected to the history of the periods described. Indeed it might have been expected that the number of passages would have increased with the increased number of magistrates in the late third and early second centuries, as we have already seen in the distribution patterns of passages with the word *provincia*, but this does not occur.

The second largest group (and this is exclusive of that in which *imperium* refers to the power of an individual magistrate or pro-magistrate) is that in which the word is used of the power of the Roman people as a whole. Livy has 111 such passages (19.44% of the total of all passages), compared with Cicero's 174 of 545 (31.93%). In Livy thirty-six (6.30% of the total of all passages) are from the first decade (of which eleven are from the first book, including the *praefatio*), forty-two (7.36%) from the third, twenty-two (3.85%) from the fourth and eleven (1.93%) from the five books of the fifth (equivalent to twenty-two from a full decade). Here there is a slight rise from the first to the third decades, with a drop in the fourth; but again the pattern of the five books of the fifth decade is similar to that of the fourth. Roughly the same pattern is seen in the subgroup of those passages in which *imperium* means the Roman state, of which there are seventy-three altogether (12.78% of the total), compared with Cicero's 151 of 545 (27.71%). In this case twenty-nine (5.08% of the total) are from the first decade,

thirty-two (5.60%) from the third, seven (1.23%) from the fourth and five (0.88%) from the five books of the fifth.⁴³

Within the overall decline of the occurrences of *imperium*, it is worth noticing that the meaning ‘power of a magistrate or pro-magistrate’ declines faster in the third, fourth and fifth decades than ‘power of the people’.⁴⁴ Another pattern worth noting, when considering this usage of *imperium* as the power of the Roman people, is that of the phrase *imperium Romanum*, which, as we have seen, was not used by Cicero at all, or indeed any other author before Sallust. In the surviving books of Livy there are forty-three passages using this phrase (7.53% of the total), of which twelve (2.10% of the total) are from the first decade, twenty (3.50%) from the third, six (1.05%) from the fourth and five (0.88%) from the five books of the fifth. This pattern follows in general terms that of the use of *imperium* as the power of the people, with the exception of the large number of instances of the more general category in book 1. The comparison of the two sets also draws attention to the remarkable shortage of passages referring to the power of the people in books 30–4, of which there are only five;⁴⁵ there are also no uses of *imperium Romanum* in these books, nor of *imperium populi Romani*. There are also only two uses of *imperium* as the power of the people in each of books 35

⁴³ Noteworthy in this context is the use of a phrase by Livy on three occasions in reporting speeches, ‘actum de imperio’, meaning ‘it’s all up with Rome’ (4.3.7; 4.38.3; 27.9.14). The phrase also occurs in the highly Livian Florus, when describing the potential dangers of the Catiline conspiracy (Florus 2.12.5).

⁴⁴ The exception to this is in books 40 to 42, where there is also a sharp increase in the number of occurrences of *provincia*, but this is due to the state of Livy’s text. In particular the high percentage figure for both *imperium* and *provincia* in book 41 is due to the low overall word-count of this book, which survives in fragmentary form. The same is true of book 43, but the percentage figures here look less odd, because in book 41 the surviving chapters deal with the allocation of *provinciae* in each of the five years 178–174 BC, while book 43 deals only with those of two years (170 and 169 BC).

⁴⁵ 30.27.9–10; 30.42.17; 32.27.6; 34.4.1–3; 34.13.7–8.

and 36, though in these cases both *imperium Romanum* and *imperium populi Romani* are found.⁴⁶

One further absence should be noted before we consider the overall pattern of Livy's use of *imperium*: there is no use of the word as there was in the *Res Gestae* to mean a territorial empire. He does use it to mean the power over others, and in this sense imperial. There are thirty-two such passages, occurring with increasing frequency in the third, fourth and fifth decades,⁴⁷ and they include five which relate to the *imperium* of Rome over the *orbis terrarum*, which we have seen in Cicero.⁴⁸ In nine cases, this is used of foreign powers, most frequently of the Carthaginians, often in comparison with Rome.⁴⁹ There are moreover nine instances of 'imperial' *imperium* which are in geographical contexts; but none is about an extent of territory which is called the *imperium Romanum*.⁵⁰

We can provide a certain amount of historiographical context for the decline in the use of *imperium* by setting these figures against a similar set for the word *provincia*. As will be seen from the chart,⁵¹ although there are considerable variations from book to book, the overall trend of uses of *imperium* declines across the series, with a particular drop in the fourth and fifth decades, while that of *provincia* increases. The behaviour of *provincia* is just what might be expected –

⁴⁶ 35.14.9; 35.44.5–6 (*imperium Romanum*); 36.17.13–14 (*imperium Romanum*); 36.41.5 (*imperium populi Romani*).

⁴⁷ 7.30.7–8; 10.20.1; 21.2.7; 23.6.1–2; 24.6.7–8; 27.17.2; 28.31.3–4; 29.17.7; 30.30.6; 32.27.6; 33.31.8–9; 33.38.1; 34.13.7–8; 35.14.9; 35.44.5–6; 36.17.13–14; 36.41.5; 37.25.4–7; 37.36.4–5; 37.53.3–4; 37.54.23–5; 38.48.4–5; 38.60.4–6; 39.55.1–2; 40.36.2; 40.53.5; 42.12.6; 42.50.8–9; 42.52.15–16; 43.10.1; 45.9.5; 45.26.7–8.

⁴⁸ 36.41.5; 37.25.4–7; 38.60.4–6; 42.50.8–9; 45.26.7–8. For Cicero's usage, see above, p. 74; and in the *Rhet. Her.*, p. 56.

⁴⁹ Carthaginians: 21.2.7; 24.6.7–8; 27.17.2; 28.31.3–4; 29.17.7. Syrian: 33.38.1. Greek: 37.54.23–5. Persian: 43.10.1; 45.9.5.

⁵⁰ 7.30.7–8; 10.20.1; 37.25.4–7; 38.48.4–5; 38.60.4–6; 39.55.1–2; 42.52.15–16; 43.10.1; 45.9.5.

⁵¹ Appendix 2.

there were, after all, more *provinciae* allotted to magistrates and pro-magistrates in the second century than in the early years of the city; but the same consideration makes the decline in *imperium* seem even more odd. All other things being equal, one might have expected that an increase in the number of occurrences of *imperium*-holders would have led to an increase in the use of the word *imperium*.

The most obvious reason for this change, given that the historical period about which Livy is writing does not provide an explanation, is that what altered was the linguistic context in which he wrote, that there was something in the language environment which resulted in the decline in the number of times that he used the word *imperium*. It would appear that for Livy at least (and he is the most substantial surviving prose writer of the period) the word became gradually less a part of his literary vocabulary as his work proceeded; and indeed that there was a particular drop in his use of it once he began the fourth decade of his history. It would be fascinating to know just when the changes that these figures suggest took place. If, as is sometimes argued, Livy's remark⁵² that Spain had finally been conquered in his own times under the leadership and auspices of Augustus Caesar indicates that book 28 was written after Agrippa's campaigns of 19 BC,⁵³ it is probable, given the overall rate at which Livy must have been writing in order to complete his immense work, that he began the fourth decade not long after 18 BC. But that is hypothesis built on hypothesis. What can be said is that in the fifteen years or so after he began his work, Livy gradually used the word *imperium* less and less. The precise reason for this (if a precise reason is conceivable for a gradual change of this type) is perhaps not available: it may be

⁵² Livy 28.12.12: 'itaque ergo prima Romanis inita provinciarum, quae quidem continentis sint, postrema omnium nostra demum aetate ductu auspicioque Augusti Caesaris perdomita est.'

⁵³ Weissenborn in Weissenborn and Müller (1879), 10; Walsh (1963), 8.

connected with the diminution of the use of the *praenomen imperatoris* on Augustan coins after 27 BC;⁵⁴ or, perhaps more likely, the change in senatorial self-representation, which followed the last triumph to be celebrated by a non-member of the imperial house in 19 BC.⁵⁵ In either case, what we are looking at is probably the consequence of Livy's sensitivity to the use of language about *imperium* and its holders in the linguistic milieu in which he was living and writing. If that is so, the absence from his surviving work of *imperium* in the sense of a territorial empire, as opposed to the power of an individual or of the Roman people, is telling.

Whatever the reason for the gradual reduction in the use of *imperium* in Livy's surviving books, it does appear that the meaning which we have observed in the *Res Gestae* of the empire of the Romans in a territorial sense is not to be found in extant Augustan prose. A simple explanation, and probably the correct one, is that all the prose that has survived from this period dates from the earlier part of the reign of Augustus. If, as Syme suggested, Livy reached the end of book 133 and his account of the years down to 29 BC by AD 1 and then, after a pause, went on to write the last nine books, covering 28 to 9 BC in AD 6 to 10, we might have seen different uses of *imperium* in those additional books.⁵⁶ As it is, there is no way of telling what Livy might have written. Even the *Periochae* are of no help since although the word *imperium* occurs eighteen times in the set of abbreviated accounts of the contents of Livy's work,⁵⁷ the wretched remains of *Periochae* 134, 135 and 138–42 do not use it.⁵⁸ As it stands, Livy, along with Vitruvius and the scraps recorded by the elder Seneca, attests only meanings for *imperium* that might be found in the late republic.

⁵⁴ Syme (1958), 184. ⁵⁵ Eck (1984). ⁵⁶ Syme (1959), 71.

⁵⁷ *Per.* 3 (twice); 8; 9; 22; 26; 67; 73; 79; 82; 89; 91; 96; 113 (twice); 118; 125; 132.

⁵⁸ The *periochae* of books 136 and 137 have not survived.

POETS

If this is the result of examining the survivals of Augustan prose, what of the poets?

A review of Virgil, Horace, Tibullus and Propertius produces sixty-four uses of the word *imperium*: of these, twenty-eight simply mean an order, often from a god;⁵⁹ as in all periods, it means 'power' in a general or metaphorical sense;⁶⁰ and, of course, it means the power of kings,⁶¹ gods,⁶² Roman magistrates⁶³ and the Roman people.⁶⁴ In nine cases at least, this power is represented as of immense or even infinite extent.⁶⁵ The word also appears twice in the anonymous *Carmen de bello Aegyptiaco*, once meaning 'order', and once of the power of the *triumviri* before Actium.⁶⁶

However, it is only in the last poems of Ovid that we find a significance which, like that of the instance I noted in the *Res Gestae*, relates clearly to a territorial extension as such. In the totality of his works, *imperium* appears in thirty-six passages.⁶⁷ In the earlier poems, written before his exile in AD 8, his use of *imperium* is very like that of the other Augustan poets. In five passages the word means

⁵⁹ Horace, *Epist.* 1.5.7; 1.12.27; 1.18.45; *Serm.* 2.7.75; *Carm.* 3.4.48; 4.1.7; Propertius 2.1.22; 4.8.82; Tibullus, 1.2.8; 2.3.79; 2.4.53; Virgil, *Georg.* 2.370; *Aen.* 1.51; 1.230; 4.239; 4.282; 4.295; 4.577; 5.726; 5.747; 5.784; 6.463; 7.240; 7.487; 8.381; 9.675; 9.716; 11.235.

⁶⁰ Horace, *Carm.* 3.1.6; 3.16.31; Virgil, *Georg.* 2.370; *Aen.* 3.159; 8.509; 10.42; 11.47.

⁶¹ Horace, *Epist.* 1.12.27; Virgil, *Aen.* 1.51; 1.270; 7.654; 8.482; 8.509; 12.193.

⁶² Horace, *Carm.* 3.1.6; Virgil, *Aen.* 1.51; 5.234; 6.264; 6.463; 7.240; 9.449.

⁶³ Horace, *Carm.* 4.14.40; *Serm.* 1.6.35; Virgil, *Aen.* 6.819.

⁶⁴ Horace, *Carm.* 1.2.26; 1.35.16; 3.5.4; 4.15.14; Propertius 1.6.34; 3.1.16; Virgil, *Aen.* 1.279; 1.287; 6.782; 6.795; 6.812; 6.851.

⁶⁵ Horace, *Carm.* 3.5.4; 4.15.14; Propertius 1.6.34; 3.1.16; Virgil, *Aen.* 1.279; 1.287; 6.782; 6.795; 6.851.

⁶⁶ Anon., *Carmen de bell. Aegypt.* col. 2, vv. 5–6 (orders); col. 3, vv. 3–8; col. 2, vv. 5–6 (of triumvirate).

⁶⁷ *Am.* 1.20.21–4; *Ars am.* 2.217–22; *Rem. am.* 475–8; 493–6; *Met.* 4.472–3; 5.369–74; 7.371–4; 7.501–4; 9.275–80; 15.1–6; *Fast.* 1.529–32; 1.611–16; 2.253–6; 2.295–8; 3.343–54; 3.379–82; 3.415–22; 4.673–6; 5.91–6; 6.425–8; *Trist.* 1.5.67–70; 2.39–42; 2.165–6; 2.199–204; 2.215–20; 2.221–36; 5.2.47–52; *Ep. ex Pont.* 1.1.37–42; 2.2.61–70; 2.9.33–4; 3.3.59–64; 4.9.29–34; 4.9.59–62; 4.9.65–8; 4.13.25–32; 4.13.33–8.

'order';⁶⁸ it can mean power in a general sense, whether of a pimp, of gods or of Ovid himself, when tendering advice;⁶⁹ and it can mean the power exercised by a king, whether Greek or Roman.⁷⁰ In the later poems, however, other usages are present.⁷¹ In five passages, four from the *Tristia* and one from the *Epistulae ex Ponto*, we find *imperium* paralleled with 'lands' (*terrae*),⁷² possessing a 'body' (*corpus*)⁷³ or an 'edge' (*margo*),⁷⁴ and being the object of the verb *regere*, 'to rule over'.⁷⁵ This is, at last, a territorial empire; and it is interesting to note that its occurrence is roughly contemporaneous with another use of *imperium*, that of the power of the emperor and of the whole *domus Augusta*, which appears in two passages in the *Fasti* and four in the poems written in exile;⁷⁶ and in four of these he emphasises the control by the emperor of the Roman world by the use of the word *frena* ('reins'), a metaphor drawn from chariot racing.⁷⁷ Of course, there may be many reasons for this new 'territorial' usage: Ovid is not, and not like, his predecessors, and he is in any case writing from a place on the very edge, as he himself laments, of the *imperium*,⁷⁸ whence it might seem more obvious that *imperium* has a territorial significance. His intended audience, however, is decidedly based in Rome, and he, at least, cannot have thought that in using *imperium*

⁶⁸ *Ars am.* 2.221; *Rem. am.* 478; *Met.* 4.472; 7.373; 9.279.

⁶⁹ *Am.* 1.20.23; *Rem. am.* 496; *Met.* 5.371. ⁷⁰ *Met.* 7.504; 15.3.

⁷¹ He still uses *imperium* in earlier senses, as 'order' (*Fast.* 2.255; *Ep. ex Pont.* 1.1.41; 4.13.38); of the power of the Roman people (*Fast.* 3.422; 5.96; 6.428; *Trist.* 1.5.70; 2.219); of a Roman king (*Fast.* 3.354; 3.379); and in a letter to C. Pomponius Graecinus, about to become *consul suffectus*, of a Roman magistrate (*Ep. ex Pont.* 4.9.34; 4.9.60; 4.9.66).

⁷² *Trist.* 5.2.47–52; *Ep. ex Pont.* 2.2.61–70.

⁷³ *Trist.* 2.221–36. On this usage, its history and context, see Kienast (1982).

⁷⁴ *Trist.* 2.199–204. ⁷⁵ *Trist.* 2.165–6; *Ep. ex Pont.* 3.3.59–62.

⁷⁶ *Fast.* 1.529–32; 1.611–16; *Trist.* 2.39–42; *Ep. ex Pont.* 2.2.61–70; 2.9.33–4; 4.13.25–32. Surprisingly, *imperium* does not seem to be used in this sense earlier: the one possible earlier use in this sense occurs in Virgil, *Aen.* 9.449, where 'imperiumque pater Romanus habebit' refers surely to Jupiter, whose *imperium* might reasonably be described as eternal (which is the point of this passage), rather than Augustus.

⁷⁷ *Fast.* 1.532; *Trist.* 2.42; *Ep. ex Pont.* 2.9.33; 4.13.27. ⁷⁸ *Trist.* 2.199–204.

in this sense he was writing in a way that would have been difficult for his readers to understand. We may deduce that at least by the time of these poems, that is after AD 8, those in the literary circles of Rome would not have been confused by the word's being used with this significance.

For the sake of completeness, it should be noted that the word *provincia* occurs twice in the Augustan poets, once in Propertius, when he envisages a Roman presence in the east as the result of Augustus' plans for Parthia and even India; and once in Ovid, when in the *Fasti* he describes the vast power handed back to the people by the emperor in January 27.⁷⁹ Despite their rarity, both of these are interesting. Propertius is writing about an area for which, *ex hypothesi*, no *imperium*-holder was yet responsible, which is a prospective version of the use of *provincia* as an area handed on from one pro-magistrate to another which we have seen in Livy and Cicero.⁸⁰ That presents an imperial idea of a *provincia* as part of an area of Roman control. As for Ovid, his language suggests that the whole of Augustus' (or rather, Octavian's) responsibility comprised a single *provincia* (*omnis provincia*), though it may be that *omnis* here means 'each' or 'every' rather than 'the whole'.⁸¹ In either case, it is clear from the context, in which he addresses Germanicus as the dedicatee of the poem, that this section has been revised during his exile and after the poem that he sent to Augustus in AD 9, stating that the six books that he had written were dedicated to him.⁸² Even though, as has been argued, the six surviving books of the *Fasti* may have been first written between AD 1 and 4,⁸³ this sole instance of *provincia* in Ovid belongs chronologically with the later uses of *imperium* noted above, and in that context the notion that he is writing

⁷⁹ Propertius, 3.4.5; Ovid, *Fast.* 1.590. ⁸⁰ See above, p. 125.

⁸¹ Ovid, *Fast.* 1.590: 'redditaque est omnis populo provincia nostro'. For variant meanings of *omnis* in the singular, see *OLD* s.v. *omnis* (1) and (5).

⁸² *Trist.* 2.549–52. ⁸³ So Syme (1978), 21–36.

about the vast extent of Augustus' responsibility as a single *provincia* is not unlikely.

The Augustan poets seem, then, to fall into two groups when their usage of *imperium* (and indeed, so far as it is used at all, of *provincia*) is concerned. Horace, Virgil, Propertius and Tibullus all use *imperium* with the same set of senses as have been found in the poets of the republic.⁸⁴ Only in Ovid does *imperium* acquire other senses, both of the power of the imperial house to control the whole Roman world and of the entity that is so controlled, that is the Roman Empire. Moreover this change is observable only in the poems from exile. Before that, Ovid used *imperium* in the same ways as the other Augustan poets. The reasons for this difference may be many: Ovid's subject matter in his poems from the shores of the Black Sea is different from that of his earlier works, though the shift, so far as it would be reflected in the language we are examining, might have been expected earlier, between the period of his erotic poetry and the writing of the *Fasti* and *Metamorphoses*, rather than after his departure into exile. The main change, apart from the passing of time, that can be seen in the poems written at Tomi is the more obsequious tone towards Augustus and his family, which is in itself telling: Ovid (as Syme noted) 'illustrates the language in current use for homage towards ruler and dynasty'.⁸⁵ Part of that language is the new significances attached for the first time in the literary sources to the word *imperium*.

AUGUSTUS AND THE PROVINCIAE

If we turn from the changes in linguistic usage to the alterations in the structure of *imperium* and *provincia* in the reign of the first emperor,

⁸⁴ See above, pp. 50–2 and p. 103.

⁸⁵ Syme (1978), 208. For the importance of Ovid as an essentially 'Augustan' poet, especially in the later poems, see Millar (1993).

there is of course no doubt that Augustus' revisions were basic to the 'settlement' which was so gratefully received by the senate in January 27 BC. For Tacitus and Cassius Dio, what happened then could be expressed in formal, constitutional terms essentially as an establishment of new patterns of *imperium* and of the *provinciae*.⁸⁶ The course of events in the senate is set out in some detail by Dio and is referred to by Ovid, Strabo and Suetonius.⁸⁷ Though there are differences in their accounts, the basic pattern is the same in all. The emperor (Caesar as he was when the session began, and Augustus as he was to be called by the time it had finished) divided the world that was directly ruled by the Romans into two sections: the 'weaker' or more peaceful *provinciae* he gave to the people, while the more powerful or warlike he kept for himself. What probably happened, in terms that Cicero would have understood, was that the senate allocated certain *provinciae* to one of the consuls and the others to pro-magistrates. After all, according to Dio, Caesar had begun this meeting as consul by announcing his decision to return his control of the whole of business of the state to the hands of the senate and people.⁸⁸ What then happened was the assignment by the senate of the *provinciae populi Romani* in the way that had been done at least for the last two centuries. Yet those sources which describe the whole process as being in the emperor's hands are no doubt also right, though Dio's list of the people's and the emperor's *provinciae* is (as he himself admits) anachronistic, and Strabo's account, which suggests that Augustus redesigned the limits of all the *provinciae* from scratch, is odd.⁸⁹

⁸⁶ Tacitus, *Ann.* 1.1; Dio 53.12–16. On the significance of the allocation of *provinciae*, see Lacey (1974); and for a detailed discussion of Dio's account, Rich (1990), ad loc.

⁸⁷ Dio 53.1–16; Ovid, *Fast.* 1.590; Strabo 17.3.24–5; Suetonius, *Aug.* 47.

⁸⁸ Dio 53.4–5; cf. Augustus, *Res Gestae* 34.1: 'rem publicam ex mea potestate in senatus populique Romani arbitrium transtuli'; and Ovid, *Fast.* 1.590 (n. 81 above).

⁸⁹ Strabo 17.3.24–5; Suetonius, *Aug.* 47; Dio 53.12.

The primary distinction between what all the sources call the people's *provinciae* and those which were held by Caesar was that, other than in exceptional circumstances, those who took charge of the former were, as in the past, selected by lot, while those in the latter were chosen by Augustus and termed *legati Augusti pro praetore*. Neither the powers nor the relations of members of these two groups to the emperor and to the senate were noticeably different.⁹⁰ Certainly there is no sense in which what the sources call 'the people's *provinciae*' or '*publicae provinciae*' should be called 'senatorial' provinces, a term nowhere used of them, either in connection with the Augustan settlements or later.⁹¹ Yet this change in the allocation of what may now be called 'governors' to what may now be called 'provinces' reveals another and a profound alteration in the understanding of what a *provincia* was.

As has been seen in the previous two chapters, *provincia* was from its first appearance a task allocated to an *imperium*-holder, whether that task comprised a geographical area or not. During the last half-century of the republic, not least as a result of Pompeius' actions after the defeat of Mithridates in the late 60s, a different usage of the word began to emerge, in which tenure by an *imperium*-holder is no more than potential and the main meaning is that of a piece of territory controlled by the Roman people, an entity within a territorial empire.⁹² The older meaning of *provincia* as a task or command remained in place, and indeed there is no sign in Cicero that he thought of it in the newer sense; but in the context of the senate's meeting in January 27 it is this later idea which is predominant. Strabo's version of the Roman world, at the very end of his *Geography*, is particularly clear: after completing his descriptive circuit of the lands around the Mediterranean with an account of

⁹⁰ Millar (1966). ⁹¹ Millar (1989). ⁹² See above, pp. 106–16.

Africa, he notes that the best and most notable part of the world was under the Romans, of which part was ruled by kings and part they held themselves, which they called ‘provincial’ (or perhaps even ‘province’),⁹³ and to which they sent out commanders (ἡγεμόνας) and tax collectors. This part, Strabo states, was arranged by Caesar Augustus at the time that the fatherland made him supreme over the *imperium* (ἡγεμονία) and lord of peace and war for life, by dividing the whole territory between himself and the people, of which the former were those needing a military garrison and the latter were peaceful.⁹⁴ Each of these sections he divided into several *provinciae* (εἰς ἐπαρχίας διένειμε πλείους), called respectively ‘Caesar’s’ and ‘the people’s’. Caesar sends commanders and administrators to his provinces, varying the disposition from time to time in accordance with prevailing circumstances, and the people send praetors and consuls to theirs.

It is clear from this account that what Strabo envisages is a division of the territory of the empire into areas, to which officials are then sent. Although this can be seen as a development of the way in which Pompeius acted in the east, or indeed in which Cyprus was dealt with in the 50s,⁹⁵ it is essentially different in conception from the basic republican pattern of the creation of *provinciae* to provide tasks and responsibilities for those elected to magistracies by the popular assemblies, and those whose *imperium* had been extended by the decision of the senate.

Of course Strabo was a Greek, writing in Greek, and, as already noted, the word *eparchia* had a wider and more generalised use than *provincia* from the second century onwards,⁹⁶ and it may be that this has affected Strabo’s language here. There are, however, two

⁹³ Strabo 17.3.24: ἦν δ’ ἔχουσιν αὐτοὶ καλέσαντες ἐπαρχίαν. On the centrality of Rome in Strabo’s view of the world, see Clarke (1999), 210–28.

⁹⁴ Strabo 17.3.25. ⁹⁵ See above, pp. 110–14. ⁹⁶ See above, pp. 47–8.

reasons for believing that this is not the case. First, a comparison of Strabo's pattern of usage with that of Diodorus Siculus, writing in the late republican and triumviral period, reveals a major difference. Strabo uses the word on twenty-seven occasions, in addition to the four in the last two chapters of his work. Of these twenty-seven, all but one are of territory which belongs to the Roman people; the only reference to magistrates is to the category of those who are sent there.⁹⁷ The only exception is a passage in which Strabo is discussing the regions of the Seleucid empire.⁹⁸ Diodorus uses the word twenty-six times in the surviving books and fragments. Seven of these are about areas controlled by non-Roman powers, from Ptolemy of Egypt to the god Hades.⁹⁹ The remaining nineteen are Roman *provinciae*, but of these fifteen are explicitly connected with magistrates or pro-magistrates¹⁰⁰ and only four about the *provinciae* of the Roman people generally.¹⁰¹ In part this difference is no doubt due to the fact that Diodorus' work relates to the period of world history down to 60 BC, but that cannot be the whole explanation, since Strabo too refers to events in the republican period.¹⁰² Moreover the way in which Strabo writes about the provinces is quite different, with several references to the Romans 'making' an *eparchia* or simply to an area now being an *eparchia*.¹⁰³ This suggests (with due caution, since the comparison is between two very different authors) that

⁹⁷ Strabo 3.4.20; 4.1.1; 4.1.3; 4.1.5; 4.1.9; 10.4.22; 11.14.4; 12.1.4; 12.3.1; 12.3.6; 12.3.9; 12.3.37 (twice); 12.3.39; 12.3.40; 12.5.1; 13.4.2; 14.1.38; 14.1.42; 14.6.6 (twice); 16.2.3; 17.1.5; 17.1.12; 17.3.15; 17.3.21. For the passing allusion to those sent, see for instance 4.1.5, 14.6.6.

⁹⁸ Strabo 16.1.18.

⁹⁹ Diodorus Siculus 4.71.2; 17.65.2; 17.105.8; 19.44.4; 19.95.2; 22.10.6; 31.19a.1.

¹⁰⁰ Diodorus 33.2.1; 34/35.2.3 (twice); 34/35.25.1; 36.3.5; 37.2.6; 37.3.5; 37.5.1 (twice); 37.5.2; 37.8.1; 37.8.3; 37.10.3; 37.29.2; 38/39.8.4.

¹⁰¹ Diodorus 36.3.1; 36.3.2; 40.4.1 (twice).

¹⁰² Strabo 4.1.3; 12.3.1; 12.3.37; 12.3.39; 13.4.2; 14.1.38; 14.1.42; 14.6.6; 14.6.6; 17.1.5; 17.3.15.

¹⁰³ Strabo 4.1.1; 12.1.4; 12.3.1; 12.3.39; 12.5.1; 14.6.6 (twice); 16.2.3; 17.1.5; 17.1.12; 17.3.15; 17.3.21.

Strabo's language is far more Augustan and imperial than that of Diodorus, and that the particularities of his usage are the result of his context and time rather than the fact that he is writing in Greek.

The other reason for believing that Strabo was reflecting a contemporary late Augustan and Tiberian understanding of what a *provincia* was is that what he describes coheres with what Augustus and his successors actually did. The transfer of areas from Caesar to the people and *vice versa*, the creation of new *provinciae* by the division of existing ones, the combination of several into one command – all these occurred under Augustus and the Julio-Claudians and display the flexibility of a pattern within which the *provinciae* were essentially areas of an empire, controlled by a single individual.¹⁰⁴ This pattern, however, also shows that the *provinciae* were now part of an administrative structure for the management of a territorial empire, its taxation, defence and civilian life, rather than of the deployment of the *imperium* of the Roman people through its magistrates and pro-magistrates. It is not, however, only in the case of Caesar's *provinciae* that this change can be seen. The process by which former consuls and praetors were selected to serve with *imperium pro consule* in the people's *provinciae* also reveals the same understanding of what a *provincia* was. According to Dio, the rule laid down by Pompeius in his law of 52 BC,¹⁰⁵ that no one should be allotted a *provincia* until five years after his magistracy, was revived by Augustus.¹⁰⁶ This separation of the tenure of provincial commands from the city magistracies effectively established the pattern already emerging in the late 50s and 40s BC of such posts as distinct offices for which the previous holding of a magistracy was no more than a necessary prerequisite. In this respect, the proconsuls and propraeors in the people's provinces were in the same position as the *legati Augusti* in

¹⁰⁴ Bowman (1996), 346–7. ¹⁰⁵ See above, pp. 108–9. ¹⁰⁶ Dio 53.14.2.

those of the emperor. In addition to this, the role of the senate in determining which *provinciae* were to be filled disappeared entirely, in that the considerable flexibility in the structure was all at the disposal of the emperor. The areas that were denominated as people's *provinciae* were specified by Augustus, and, although these were added to during his reign through the transfer of Baetica in Spain, Gallia Narbonensis and Cyprus to control by pro-magistrates, this was the result of a decision by the emperor not the senate. This is hardly surprising, given the dominance of Augustus in all matters military, but the result is to underline the function of the process in providing individuals to fill a defined set of posts. The allotment still went on in a senatorial context, but little is known of the details of how it was carried out.¹⁰⁷ It is not even known how the pool from which the allocations were made was constituted, though a remark by Dio indicates that initially there might be more candidates than posts. Dio, describing the situation as it was in his own day, writes that at the beginning all who fulfilled the requirement that they had held a magistracy five years earlier might be appointed, even if there were more candidates than provinces, but that eventually the emperor limited the number to that of the posts to be filled and named those from whom the choice was to be made because some had been guilty of bad governance in their provinces.¹⁰⁸ There is no indication of when this alteration was made, but the clear implication of Dio's remark is that at the beginning the list of former praetors was not fixed by the emperor, but also that in most cases there were not more candidates than posts. In any case, Dio is explicit that for the two *provinciae* of Africa and Asia Augustus laid down that the individuals chosen should be former consuls and that the remainder of the provincial posts should go to former praetors.¹⁰⁹ Certainly in

¹⁰⁷ Talbert (1984), 348–9.

¹⁰⁸ Dio 53.14.3–4.

¹⁰⁹ Dio 53.14.1–2.

the case of Africa and Asia, it seems that these were offered to the two senior *consulares* who had not already held them, and that they balloted for them.¹¹⁰ All this suggests that what was happening in the people's *provinciae*, as in the emperor's, was a matter not (as in the republican period) of finding jobs for the boys, but of finding boys for the jobs.

Another indication of the different way in which *provinciae* were thought of is the manner in which new areas were named as *provinciae*. Earlier the 'creation' of a *provincia* had meant the naming of a command or responsibility by the senate, often at the outset of military activity in the region, and, at least until the late 60s BC, it had not constituted any formal claim to annexation.¹¹¹ As has been seen, Strabo's language indicates that for him the making of an *eparchia* or an area's being or becoming one was indeed an addition of territory to the empire.¹¹² Here again he echoes the practice and language of the period: Augustus himself, in reference to his decision not to incorporate Armenia after the death of its king, says that he could have made it a *provincia* (*facere provinciam*), a phrase that occurs in this sense only once before this, when the writer of the Caesarian *De bello Africo* describes how Caesar 'made' a *provincia* of the kingdom of the defeated king Juba.¹¹³ New *provinciae* now named for the first time are invariably those of the emperor, as Dio notes,¹¹⁴ and they are often the result of subdivision of existing *provinciae* rather than being declared at the outset of military activity. Thus in Spain the former two *provinciae* of Hispania citerior and Hispania ulterior are rearranged, with the latter being divided into Baetica and Lusitania, a

¹¹⁰ Talbert (1984), 349. ¹¹¹ Pp. 23–5 and p. 111. ¹¹² Above, n. 103.

¹¹³ Augustus, *Res Gestae* 27: 'c[ui]m possem facere provinciam'. Compare *B Afr.* 97.1: 'ex regnoque provincia facta'. See above, p. 85. The phrase becomes more frequent in the decades that follow (pp. 150–1; and Suet. *Jul.* 35.1).

¹¹⁴ Dio 53.12.9.

change which seems to have come about in the aftermath of the wars fought in the north-west of the peninsula, probably in the period 16–13 BC.¹¹⁵ The former *provincia* of Illyricum, which had been one of the people's provinces in 27 BC, was the emperor's by the time that Agrippa was appointed to deal with the situation which followed revolts by the Dalmatians and Pannonians,¹¹⁶ but it seems that it was only after Tiberius' suppression of the Pannonian revolt of AD 6–9 that the area was divided into the two new *provinciae* of Pannonia and Dalmatia. The division of Gaul into Gallia Narbonensis and the Three Gauls (Lugdunensis, Aquitania and Belgica), which seems to date from 27 BC and is certainly Augustan, is again essentially an administrative reorganisation.¹¹⁷ All of these changes are certainly military, but are not designed to enable immediate aggressive activity, as the naming of new *provinciae* was in the republican pattern. A *provincia* seems to have become an essentially administrative entity.

As has become particularly clear as a result of the outstanding work of Claude Nicolet,¹¹⁸ Augustus did not just rule the Roman Empire but also governed it. That meant extending the processes of the republic, such as the taking of the census of Roman citizens and their property, to cover the whole area under direct Roman control, and probably including also the entire population, not just those who held the citizenship. It is in this context that the new sense of *provincia* should be seen. The *provinciae* were areas of the whole body which made up the *imperium Romanum*, and the information which was required for the governing of those areas, and thus of the whole entity, was in the hands of the emperor, and of the emperor alone. Both in 23 BC, when he was severely ill, and at the time of his death, Augustus passed on to his intended successors, potential or

¹¹⁵ Le Roux (1982), 54–6 and 74–5; Richardson (1996), 134–49.

¹¹⁶ Dio 54.20.2–3; 24.3; 28.1–2; Vell. Pat. 2.96.2.

¹¹⁷ Drinkwater (1983), 20–2, 93–6. ¹¹⁸ Especially Nicolet (1988) (= Nicolet (1991)).

actual, a complete list of the military forces and the public revenues of the empire, written in whole or in part in his own hand.¹¹⁹ The fact that this occurred shows, if it were necessary, that such detailed information was the possession of one individual; and the very existence of such a listing demonstrates that, whatever may have been the case before Augustus, there was now something which could be described as a Roman Empire in a concrete sense, which was more than the power of the Roman people exercised over a large part of the globe. It is this which can be seen in the interest in and importance attached to the description (and perhaps depiction) of the world in the *Geography* of Strabo and the famous map of Agrippa, in the Porticus Vipsania.¹²⁰ Whatever Agrippa put on show there, it represented the dimensions of the world which was now the Roman Empire. Of course, the Empire and the world were not coextensive: Strabo, who had encompassed both India and Ireland in his description, distinguishes at the end of his work between the world as a whole and that part, the best and most notable part, which the Romans hold;¹²¹ and also, within that part which is under Roman control, between that which is ruled over by kings and that which they hold themselves, which they call 'province' (*eparchia*) and to which they send commanders and tax collectors.¹²² This second distinction seems to be echoed in Suetonius' remark that Augustus treated allied

¹¹⁹ Dio 53.30.2; Tacitus, *Ann.* 1.11; Suetonius, *Aug.* 101.4.

¹²⁰ On Strabo, see Clarke (1999), esp. 294–335. On Agrippa, Nicolet (1988), 103–31 (= Nicolet (1991), 95–122). For a very different view of what this 'map' was, see Brodersen (1995), ch. 6.

¹²¹ Strabo 17.3.24: τὰ μὲν οὖν μέρη τῆς καθ' ἡμᾶς οἰκουμένης οὕτω διάκειται· ἐπεὶ δ' οἱ Ῥωμαῖοι τὴν ἀρίστην αὐτῆς καὶ γνωριμωτάτην κατέχουσιν . . .

¹²² Strabo 17.3.24: ταύτης δὲ τῆς συμπάσης χώρας τῆς ὑπὸ Ῥωμαίοις ἢ μὲν βασιλεύεται, ἢν δ' ἔχουσιν αὐτοὶ καλέσαντες ἐπαρχίαν, καὶ πέμπουσιν ἡγεμόνας καὶ φορολόγους. It may be significant that the Augustan legal authority, Labeo, reckoned a slave to have returned under *postliminium* once he had begun to be *intra fines nostri imperii* (*Dig.* 49.15.30.pr.). See further below, Appendix 3, pp. 209–10.

kings no differently from integral parts of the *imperium*.¹²³ Despite such niceties, there was no doubt that the empire and therefore the world was in the care and control of the emperor, and indeed this is expressed in just such terms in the inscription set up by the city council of Pisa in AD 4 to honour his dead grandson, Gaius, where Augustus is called the guardian (*custos*) of the *imperium Romanum* and the governor (*praeses*) of the whole world.¹²⁴

The idea of the Roman Empire as a territorial entity is an Augustan product. It emerges at a time when the *princeps* was employing the republican notion of the magistrate with *imperium* as a holder of military power on behalf of the state, while effectively transferring to himself alone the military functions which went with that idea. The fact that the triumph, which had in the early second century been so significant a part of the holding of a *provincia* both for the senate and the holders of *imperium*, was after 19 BC confined to Augustus and his family reveals this as clearly as anything else.¹²⁵ At the same time, Augustus was settling large areas of the world into a form in which they could be governed. It is to this latter programme that the notion of *imperium* as empire belongs. The single (effective) holder of *imperium* has a quasi-*provincia* which encompasses almost the whole world, and that quasi-*provincia* is from henceforth called *imperium Romanum*.¹²⁶

¹²³ Suetonius, *Aug.* 48.1: 'nec aliter universos quam membra partisq[ue] imperii curae habuit'. This is not quite the same as 'regard[ing] all *reges socios* as *membra partisq[ue] imperii*' (Brunt (1978), 169).

¹²⁴ *ILS* 140, lines 7–8: 'custodis imperi Romani totiusq[ue] orbis terrarum prae[si]dis'.

¹²⁵ L. Cornelius Balbus triumphed *ex Africa* on 27 March, the last entry on the *Fasti Triumphales* (*Inscr. Ital.* 13.1.86–7). On the earlier importance of the triumph, see above, pp. 31–7.

¹²⁶ On this process of change in the sense of *imperium*, see Richardson (1991).

After Augustus

The first meeting of the senate after the funeral of Augustus, so Tacitus tells us, concerned itself not only with the deification of the dead emperor but with the work of his successor.¹ In a scene which carried memories of Augustus' speech to the same body in January 27 BC and which was to be re-enacted on numerous occasions as emperor followed emperor, Tiberius insisted on his incapacity to shoulder the immense burden, and that in a state with so many illustrious men the burden should be shared. Whether Tacitus was right or not in suspecting Tiberius of insincerity (and the subsequent exchanges in the senate suggest that he was correct at least in noting that his speech contained more *dignitas* than *fides*), the difference between what was being discussed in AD 14 and in 27 BC is notable. Once Augustus had been persuaded not to hand over the control of the world to the senate, the formal business of the session appears, as I have noted, to have been that of assigning *provinciae*.² There is no sign of this in the reports of Tiberius' address, either in Tacitus or in Dio.³ Though Tiberius is represented as wishing to share the work of the *res publica*, this is not a matter of which *provinciae* he

¹ Tacitus, *Ann.* 1.11–14. ² See above, p. 136. ³ Dio 57.2.

would take and which give up. Tacitus says nothing about what the various *partes rei publicae* might consist of, but Dio has three: Rome and Italy; the legions; and the remaining subject peoples.⁴ Though the language here clearly reflects Dio's own period, this division, or something like it, would make sense of the question posed by C. Asinius Gallus as to which part Tiberius would take, and of his explanation when the emperor appeared offended at the question, that he was simply pointing out that the *res publica* was an indissoluble whole, in Tacitus' words, a single body which could only be governed by a single mind.⁵ This may have been true of the empire as Augustus had left it, and it certainly was true of the *res publica* whose functions were those mentioned by Dio; but it was not nearly so clear if the work of the Roman people in respect of the rest of the world was seen as broken down into a series of *provinciae*. There is nothing about *provinciae* in the accounts of the senate's meeting in AD 14, nor is there any reason why there should be. The people's *provinciae* were to be allocated as they had been, and in Caesar's the administration had been shared between Augustus and Tiberius since later 12 or early 13 AD.⁶ In effect, the division of the *provinciae* achieved by Augustus was still in place, and *imperium* was a single entity just as much as was *res publica*. Indeed, as is clear from the advice which Tacitus records as having been given to Tiberius by Augustus, the latter regarded the *imperium* as having boundaries which should not be exceeded.⁷

⁴ Dio 57.2.5: ἦν δὲ ταῦτα ἓν μὲν ἡ τε Πῶμη καὶ ἡ ἄλλη Ἰταλία, ἕτερον δὲ τὰ στρατόπεδα, καὶ ἕτερον οἱ λοιποὶ ὑπήκοοι.

⁵ Tacitus, *Ann.* 1.12: 'unum esse rei publicae corpus atque unius animo regendum'. Cf. Dio 57.2.6.

⁶ Vell. Pat. 2.121.1; Suet. *Tib.* 20–1.

⁷ Tacitus, *Ann.* 1.11: 'quae cuncta sua manu perscripserat Augustus addideratque consilium coercendi intra terminos imperii, incertum metu an per invidiam.'

The changes which Augustus had introduced, as the events surrounding Tiberius' accession show, had their impact on the structure of the empire; but they also affected the ways in which the Romans thought and wrote about it. The language of the writers whose works survive from the next hundred or so years is as varied as the characters of those authors and their subject matter. Some, as will be seen, use the words *imperium* and *provincia* in ways which might have been employed by Cicero; but alongside these there are others for whom *imperium* means not only the power of an individual or of the Roman people but also the territory which was the Roman Empire; and for whom a *provincia* is not only the task or responsibility of an *imperium*-holder but much more often a section of that territorial empire, organised and defined according to Roman norms.

LITERARY SOURCES IN THE JULIO-CLAUDIAN PERIOD

Of the writers of the Julio-Claudian period, the earliest prose author, and in some ways the most interesting in his use of *imperium* and *provincia*, is Velleius Paterculus, whose *Roman History* was probably completed in time for the consulship of his dedicatee, M. Vinicius, in AD 30, and had perhaps been written over the previous five or so years.⁸ He uses *imperium* fifty-five times, and on two occasions this clearly means 'empire' in a concrete, geographical sense: once he refers to a part of the *imperium*⁹ and once (in his final appeal to the gods at the end of his work) to its 'mass' (*moles*).¹⁰ Elsewhere he uses the word in ways similar to those we have already seen: twice it means simply an order;¹¹ ten times it relates to the power

⁸ See Woodman (1975), 272–82.

⁹ 2.97.1: 'dum in hac parte imperii omnia geruntur prosperrime'.

¹⁰ 2.131.1: 'quidquid numinum hanc Romani imperii molem in amplissimum terrarum orbis fastigium extulit.'

¹¹ 1.10.2; 2.53.2.

of a foreign state or king;¹² and in thirteen places he uses it for the power of the Roman people, often world wide and eternal.¹³ On twenty-two occasions he uses it of Roman magistrates, once (surprisingly) of a tribune of the plebs,¹⁴ and twice of the emperor.¹⁵ The remaining nineteen occurrences¹⁶ are more like the usages which are to be found in writers of the republican period, though there is an interesting predominance of occasions on which it is used to refer to the command entrusted to the *imperium*-holder rather than the power through which he operated within it, so that it almost carries the sense of *provincia*. This is found in eleven of the nineteen,¹⁷ and can be seen particularly clearly in his mention of the *transmarina imperia* entrusted to Brutus and Cassius in 45 BC.¹⁸ This is a sense which is found earlier (Cicero uses it at least twenty-eight times),¹⁹ but in Velleius it appears to be the usual meaning.

Velleius' use of *provincia* is still more distinctive when compared with earlier writers. He uses the word forty times, but only thirteen of these relate to the holding of a charge by a magistrate or pro-magistrate, and all are geographical areas.²⁰ Far more common is the use of the word to denote an area controlled by Rome, which occurs thirty-two times (five of which mention *imperium*-holders

¹² 1.1.3; 1.2.1 (twice); 1.6.1; 1.6.2; 2.37.5 (twice); 2.108.2; 2.109.1; 2.129.1.

¹³ 2.15.2; 2.38.2; 2.39.3; 2.46.1; 2.75.3; 2.90.1; 2.90.2; 2.103.4; 2.104.2; 2.105.3; 2.109.1; 2.120.1; 2.131.2.

¹⁴ 2.2.3. ¹⁵ 2.126.1; 2.126.5.

¹⁶ 2.5.2; 2.11.2; 2.18.5–6 (twice); 2.28.2 (*dictator*); 2.30.3; 2.31.2 (twice); 2.33.2; 2.34.4; 2.46.1; 2.49.2; 2.54.3; 2.62.2; 2.63.1; 2.89.3; 2.99.4; 2.125.1; 2.125.5.

¹⁷ 2.5.2; 2.11.2; 2.18.5–6; 2.30.3; 2.31.2; 2.33.2; 2.49.2; 2.54.3; 2.62.2; 2.63.1; 2.125.1.

¹⁸ 2.62.2: 'omnia transmarina imperia eorum commissa arbitrio'.

¹⁹ Cicero, 2 *Verr.* 3.213; 5.137; *Leg. Man.* 28; 47; *Dom.* 87; *Post red. ad sen.* 18; *Balb.* 9; 10; 45; *Fam.* 1.7.9; *Rab. Post.* 16; *Planc.* 64; *Att.* 5.20.6; 7.7.6; *Fam.* 3.7.5; 13.65.2; *Att.* 5.21.7; *Fam.* 9.25.1; 13.55.2; 3.12.4; 4.1.2; *Parad.* 5.37; *Marcell.* 28; *Fam.* 12.23.1; *Att.* 14.5.2; *Phil.* 10.10; *Ad Brut.* 12.3; *Fam.* 12.5.1.

²⁰ 2.18.3; 2.18.6; 2.31.1–2; 2.46.2; 2.49.4; 2.60.5; 2.62.2; 2.73.2; 2.90.2; 2.99.4; 2.100.4; 2.111.4; 2.126.4.

also).²¹ Most remarkable of these last are the references in his brief synopsis of those peoples and nations reduced to the *formula* of a stipendiary *provincia*.²² It is clear from this list that by *provincia* he means not a task assigned to an *imperium*-holder but an area under Roman organisation and with the organisation and institutions to be expected of a section of the Roman Empire. Thus he states that the first Roman commander to cross into Sicily was the consul Claudius (that is Ap. Claudius Caudex, at the outset of the first Punic war in 264 BC) but that it was only fifty years later, after the fall of Syracuse, that Marcellus made it a *provincia*.²³ He similarly states that it was Scipio Aemilianus who first reduced Africa 'into the formula of a *provincia*' (*in formulam provinciae*).²⁴ Of course both of these areas had been the *provinciae* of *imperium*-holders for decades before they were 'made provinces' in Velleius' sense, but this does not appear to him to be worth mentioning, though later he writes of the Spanish *provinciae* as having been where Cn. Scipio had been sent in 218 BC.²⁵ He is using the word in the same way that we have seen it used first by Caesar in the *De bello Gallico*, and then by Augustus in the *Res Gestae*; and in which Strabo used *eparchia*.²⁶ Similar language is used when he states that Pompeius made Syria a stipendiary

²¹ 2.6.3; 2.7.7; 2.23.6; 2.31.2; 2.37.5; 2.38.1; 2.38.2 (twice); 2.38.6; 2.39.6; 2.44.1–2; 2.51.1; 2.61.3; 2.62.2; 2.62.3; 2.73.2; 2.74.1; 2.78.1; 2.90.2; 2.90.3; 2.90.4; 2.94.4; 2.97.4; 2.99.4; 2.101.1; 2.101.3; 2.102.1; 2.104.3; 2.112.4; 2.121.1; 2.126.4; 2.129.3.

²² 2.38.1: 'quae cuiusque ductu gens ac natio redacta in formulam provinciae stipendiaria facta sit'. It may be that Velleius' list is based on the summary of the empire prepared by Augustus in AD 14. See Nicolet (1988), 196–9 (= (1991), 181–3); Ando (2000), 149–52; and above, pp. 143–4.

²³ 2.38.2: 'primus in Siciliam traiecit exercitum consul Claudius et provinciam eam post annos ferme LII, captis Syracusis, fecit Marcellus Claudius.'

²⁴ 2.38.2: 'P. Scipio Aemilianus, eruta Carthagine abhinc annos CLXXVII, Africam in formulam redegit provinciae.'

²⁵ 2.90.2: 'in quas provincias cum initio, Scipione et Sempronio Longo consulibus, primo anno secundi <belli> Punico, abhinc annos CCL Romani exercitus misissent duce Cn. Scipione, Africani patruo'.

²⁶ Caesar: above, pp. 94–7; Augustus: above, pp. 142–3. Note especially Strabo's remark (14.1.38) that M'. Aquillius arranged the *eparchia* of Asia into its current *schema politeias*,

provincia after he had occupied it²⁷ and that Tiberius in 7 BC had conquered Germany to such an extent that he reduced it almost to the state (*forma*) of a stipendiary *provincia*.²⁸ Another similar usage can be seen in Velleius' references to *transmarinae provinciae*, which occurs eleven times out of the total of forty uses of *provincia*, and which seems to mean overseas possessions of the Romans.²⁹ All this suggests that for Velleius the *provinciae* were essentially parts of the Roman Empire rather than responsibilities given to Roman magistrates and pro-magistrates.

The other substantial prose writer of the early Julio-Claudian period, if we exclude the elder Seneca, whose surviving works have been examined already in the previous chapter,³⁰ is Valerius Maximus, whose collection of memorable deeds and sayings was dedicated to Tiberius. In his use of *imperium* and *provincia* he is very unlike Velleius. The latter used the words in a manner that reflected a post-Augustan sense of the words, whereas Valerius, in this as in general, is far more Ciceronian in his diction.³¹ He uses *imperium* 152 times, of which twenty-four have the meaning 'order'³² and five 'power' in a general sense, sometimes of nations.³³ In twenty-one passages he uses it of the power of a monarch, including five of Roman kings and one of a Greek tyrant.³⁴ The largest single group,

which is surely a translation of *forma provinciae*. The same phrase is used by Josephus, *AJ* 18.53, of Commagene after the death of king Antiochus in AD 17.

²⁷ 2.37.5.

²⁸ 2.97.4: 'sic perdomuit eam ut in formam paene stipendiariae redigeret provinciae.'

²⁹ 2.44.2; 2.51.1; 2.60.5; 2.61.3; 2.62.3; 2.73.2; 2.74.1; 2.78.1; 2.99.4; 2.112.4; 2.129.3. Velleius uses the phrase only of *provinciae* east of the Adriatic, as also Suetonius, *Calig.* 51.3; but Valerius Maximus, 4.3.11, uses it (by implication) of Spain.

³⁰ See above, pp. 121–2. ³¹ See Bloomer (1992), 233–9.

³² 1.1.19; 1.1.21; 2.2.6; 2.2.7; 2.4.5; 2.7.8; 3.5.3; 4.6.3; 4.7.3; 5.3(ext).3; 5.4.5; 6.5.7; 6.9.1; 7.3.6; 7.6.pr; 8.7(ext).7; 8.9.2; 8.15.2; 9.1(ext).7; 9.2.pr; 9.3.4; 9.5.2; 9.10.2; 9.15.2.

³³ 1.1.9; 4.3.6; 5.3(ext).3; 5.6.4; 7.2.1.

³⁴ 1.6(ext).2; 1.7(ext).4; 1.7(ext).5; 1.8.5 (Tarquins); 2.10.2; 3.4.3 (Tullius); 4.1.1 (Tarquins); 4.1(ext).9; 4.4.1 (Tarquins); 5.2(ext).4; 5.6(ext).1; 6.1.1 (Tarquins); 6.5(ext).1 (Pittacus); 7.3(ext).2; 7.6.6; 8.9(ext).1; 8.13(ext).4; 9.1(ext).3; 9.2(ext).3; 9.13(ext).2; 9.15(ext).2.

as it was for Cicero,³⁵ is that of passages in which *imperium* refers to the power of magistrates and pro-magistrates, of which there are fifty.³⁶ Unlike Velleius, he nowhere uses it to denote a command or 'province'.³⁷ In two further passages Valerius uses the word for the power of a foreign magistrate;³⁸ and three times he uses it of the power of Carthage.³⁹ The remaining forty-seven uses are all of the power of the Roman people.⁴⁰ Here again, the usage is like that of Cicero, with twenty-five instances carrying the sense of the Roman state as a whole,⁴¹ and five referring to the imperial power of the people over others.⁴² Of all these forty-seven, only three seem to carry any sense of *imperium* in a concrete, geographical sense: two are of the notion of the increase of the people's *imperium*, one in the context of triumphs and one of the censors' prayer; and the third of Asia, added to the *imperium populi Romani* after defeat of Antiochus.⁴³ In all three cases the *imperium* could and probably does refer to the power of the people, not the territorial Roman Empire.⁴⁴

Valerius also uses *provincia* in a 'Ciceronian' manner. He has thirty-four instances of the word, of which twenty-six refer to the task or area assigned to a magistrate or pro-magistrate.⁴⁵ Two are

³⁵ See above, pp. 66–7.

³⁶ 1.1.2; 1.7.4 (twice); 1.8.10; 2.2.2; 2.2.4; 2.7.2; 2.7.6; 2.7.7; 2.8.2; 2.8.6; 2.10.8; 3.4.5; 3.7.1d; 3.8.2; 3.8.3; 4.1.1; 4.1.2; 4.1.5; 4.1(ext).8; 4.2.2; 4.4.6; 4.4.9 (twice); 5.2.4; 5.4.1; 5.4.3; 5.5.1; 5.8.1; 6.2.8; 6.2.10; 6.3.5; 6.4.1; 6.4.2; 6.9.7; 6.9.11; 7.1.1; 7.2.6; 7.3.3; 7.3.9; 7.5.5; 7.6.1; 8.1(ambust.).2; 8.13.2; 8.15.8 (twice); 9.3.6; 9.3.7; 9.7(Mil.Rom.).1; 9.12(ext).1.

³⁷ See above, nn. 16, 17. ³⁸ 6.9(ext).3; 6.9(ext).4. ³⁹ 2.7.14; 2.8.5; 5.6(ext).4.

⁴⁰ 1.1.8; 1.5.1; 1.6.6; 1.6.11; 1.7(ext).1; 1.8.1; 2.1.10; 2.2.5; 2.7.pr; 2.7.7; 2.8.pr; 2.8.4; 2.9.5; 3.2.7; 3.2.17; 3.4.1; 3.4.2; 3.7.8; 3.7.10; 3.8.2; 4.1.10; 4.4.5; 4.8.4; 5.1.8; 5.1.10; 5.1(ext).5; 5.2.1; 5.2.2; 5.3.1; 5.3.2c; 5.3.2d; 5.5.3; 6.1.11; 6.3.3; 6.4.1 (twice); 7.2.6; 7.2(ext).1; 7.3.1; 7.4.1; 7.4.2; 8.9.1; 8.14.1; 9.3(ext).2; 9.11(ext).4; 9.13.1; 9.15.5.

⁴¹ 1.5.1; 1.7(ext).1; 2.1.10; 2.7.pr; 2.7.7; 3.2.7; 3.2.17; 3.4.1; 3.4.2; 3.7.10; 3.8.2; 5.1.10; 5.1(ext).5; 5.2.1; 5.2.2; 5.3.1; 5.5.3; 6.4.1 (twice); 7.4.1; 8.9.1; 8.14.1; 9.3(ext).2; 9.11(ext).4; 9.15.5. Compare above, pp. 71–2.

⁴² 2.8.pr; 2.8.4; 4.1.10; 5.3.2c; 7.3.1. ⁴³ 2.8.4 (triumphs); 4.1.10 (censors); 5.3.2c (Asia).

⁴⁴ Compare p. 5; and Augustus, *Res Gestae* 27 (pp. 118–19).

⁴⁵ 1.1.3; 2.2.8; 2.7.3; 2.7.11; 2.9.3; 2.10.1; 3.7.5; 3.7.6; 4.1.7; 4.1.9; 4.1.15; 4.3.2; 4.3.11; 5.5.1; 5.8.3; 6.3.3; 6.3.5; 6.4.2; 6.9.6; 8.1(absol.).10; 8.15.4; 8.15.6; 9.6.3; 9.7(Mil.Rom.).1; 9.14(ext).3 (twice).

of areas belonging to foreign states or kings.⁴⁶ Only six cases are of *provinciae* as areas controlled by the Roman people, and none of these have the strongly institutional sense found in Velleius or Strabo.⁴⁷ He nowhere writes of a *forma* or *formula provinciae*. He uses the expression *transmarina provincia*, found so often in Velleius, but only once.⁴⁸

The reason for what might be called the more old-fashioned usages of Valerius when compared with Velleius is no doubt in part that he was compiling a collection of notable deeds and sayings, not writing a Roman history. Inevitably, therefore, he drew extensively on Cicero and particularly on Livy, and no doubt his language was shaped by the patterns of an earlier age. Even so, this does not explain the extent of the difference between the two writers: Velleius, after all, also wrote about the republican past but (as we have seen) even in those contexts used what might be called the 'post-Augustan' senses of *imperium* and *provincia*. At least part of the explanation must be that Velleius' use of these words was influenced by his long periods in the service of the emperors.⁴⁹ Almost nothing is known of Valerius Maximus' career, but nothing suggests that he was as involved in the actual business of empire as was Velleius. This is not, of course, to suggest that anyone in Rome would have had difficulty in understanding Valerius' language. The sense of *imperium* as a territorial empire and of *provincia* as an administrative unit which was a part of that empire were additional meanings, grafted onto those which had been common in earlier periods; but what the difference in the usage of these two writers indicates is that there was in Rome in the period immediately after the death of Augustus more than one way of thinking about the shape and structures of the world the Romans ruled.

⁴⁶ 1.6(ext).1 (Persian); 4.1(ext).9 (Antiochus). ⁴⁷ 2.10.5; 3.7.1; 7.5.4; 7.6.6; 9.1.5; 9.2(ext).3.

⁴⁸ 4.3.11, where he is referring, by implication, to Spain.

⁴⁹ On Velleius' career, see Sumner (1970), 265–79.

There are two other prose writers to be considered, one probably of the period between the deaths of Augustus and Nero and the other certainly so: Curtius Rufus, the author of a history of Alexander the Great in ten books, of which the first two are lost; and the younger Seneca, the orator and philosopher who was to become adviser to his former pupil, Nero, by whom he was forced to commit suicide in AD 65. If, as is now generally held, Curtius Rufus is identical with the man of the same name who emerged from humble origins in the province of Africa to become a suffect consul in 43 and before he died was proconsul in his native province,⁵⁰ it might be expected that his use of the words *imperium* and *provincia* would be more like that of Velleius than of Valerius Maximus. In fact, the subject matter of Curtius' book means that his pattern of usage is unlike either's. Although he uses *imperium* 106 times, it relates only once, at the very end of the work, to a Roman context, when he praises the Roman people for entrusting itself to its *princeps*, thereby avoiding the horrors of civil war and allowing the *imperium* to flourish.⁵¹ Otherwise, Curtius uses the word fifty-three times of the power of kings, twelve of Persians,⁵² twice of Indians,⁵³ once of Scythians⁵⁴ and thirty-eight of Macedonians.⁵⁵ On eight occasions, he uses it of the power given to a commander or governor.⁵⁶ He also has the normal meanings of *imperium* as an order (twenty-seven instances)⁵⁷

⁵⁰ Tacitus, *Ann.* 11.20–1. On the identity of the two men, see Atkinson (1980), 19–73, who argues convincingly that Curtius completed his work in the early years of Claudius' reign.

⁵¹ 10.9.5.

⁵² 3.3.6 (twice); 3.11.11; 4.5.13; 4.14.22; 5.8.8; 5.8.13; 5.9.4; 5.9.8; 6.3.12; 6.3.13; 8.5.11.

⁵³ 8.12.9; 8.14.36. ⁵⁴ 7.7.1.

⁵⁵ 4.1.5; 4.1.9; 4.2.2; 4.7.31; 4.11.5; 4.14.10; 5.1.1; 5.10.4; 6.3.2; 6.3.6; 7.8.30; 8.5.18; 8.8.13; 8.12.14; 9.3.6; 9.6.9; 9.7.3; 9.8.4; 9.8.17; 9.10.22; 10.2.6; 10.2.24; 10.3.3; 10.3.7; 10.3.10; 10.6.5; 10.6.17; 10.7.12; 10.7.15; 10.8.1; 10.8.2; 10.8.10; 10.8.19; 10.9.2; 10.10.1; 10.10.3; 10.10.4; 10.10.7.

⁵⁶ 3.3.1; 3.13.14; 4.7.1; 6.9.22; 8.2.32; 8.4.21; 9.8.10; 10.10.7.

⁵⁷ 3.8.26; 3.8.30; 4.9.20; 4.13.17; 4.13.21; 4.15.12; 5.1.9; 5.9.14; 5.9.15; 5.11.1; 5.12.14; 5.12.18; 7.1.38; 8.8.8; 8.10.2; 8.14.16; 8.14.20; 9.1.7; 9.3.6; 9.6.9; 9.8.17; 9.9.15; 9.9.26; 10.2.5; 10.2.6; 10.2.15; 10.6.2.

and of 'power' in a general sense (seven instances).⁵⁸ In national contexts he uses the word four times of Persia and Macedonia in ways which seem to refer to the nations or states as a whole,⁵⁹ and on eight occasions of the imperial power of Persians or Macedonians over others.⁶⁰ In five places, this power is worldwide, once referring to Carthage and four times to Macedon.⁶¹ In at least three cases the word is used of concrete, territorial empires, with sections (*partes*) and borders (*fines*), both Persian and Macedonian.⁶² He uses *provincia* just nine times, always of areas controlled by the Macedonians, but there is no sign that any specific organisation is involved, as was the case with Velleius' use with regard to Roman *provinciae*.⁶³ Although it is difficult to get any clear picture from Curtius of his notions of the Roman Empire, his use of *imperium* in Macedonian and Persian contexts indicates at least a similarity with what we have seen in Velleius.

Seneca presents a more complex picture, as might be expected from so varied an intellect. He uses *imperium* 132 times, of which thirty are from his tragedies and will be discussed with other poetry from the period below.⁶⁴ It occurs in all twelve of his *Dialogues*, except the fragmentary *Dialogue* 8, and in all of his other prose works, including twenty of the *Epistulae morales*.⁶⁵ More than 25%

⁵⁸ 8.5.18; 8.8.13; 9.7.3; 9.8.4; 10.1.23; 10.3.3; 10.10.7.

⁵⁹ 4.13.13 (Persian); 6.10.23 (Macedonian); 8.8.11 (Macedonian); 8.8.12 (Macedonian).

⁶⁰ 4.5.8; 4.11.8; 4.14.20 (Persian); 5.7.2 (Persian); 6.3.8; 6.3.11; 9.6.20; 10.5.12.

⁶¹ 4.3.19 (Carthaginian); 4.7.26; 4.14.21; 4.14.24; 9.2.11.

⁶² 5.8.11 (Persian); 8.1.21 (Macedonian); 10.10.6 (Macedonian).

⁶³ 3.10.5; 6.3.4; 8.1.19; 8.2.14; 8.2.36; 8.5.1; 10.1.2; 10.10.2; 10.10.5. ⁶⁴ See below, p. 163.

⁶⁵ (In approximate chronological order) *Dial.* 6.2.3; 6.20.2; 6.20.4; 11.12.3; 11.12.5; 11.15.5; 11.17.3; 11.17.4; 12.7.7; 12.9.7; 12.9.8; 12.10.3; 4.34.4; 1.1.2; 3.10.4; 3.11.5 (twice); 4.10.1; 4.15.5; 5.12.7; 5.15.3; 5.16.1; 5.16.3; 5.18.2; 5.32.2; *Apocol.* 10.2; *Dial.* 10.18.5; 10.4.5; 10.8.5; *Clem.* 1.1.3; 1.4.1; 1.4.2; 1.7.2 (twice); 1.8.1; 1.11.2; 1.11.4; 1.13.4; 1.16.1; 1.16.2; 2.1.3; 2.2.1; *Ben.* 3.18.3; 3.19.4; 3.21.2; 3.33.3 (twice); 3.37.1; 3.37.3; 3.38.2; 4.18.3; 4.32.2; 5.16.4; 5.16.6; 6.23.6; 7.3.1; 7.5.1; 7.6.3; 7.11.2; *Dial.* 2.1.1; 2.4.1; 2.8.3; 7.26.1; 7.26.9; 7.8.6; 9.1.10; 9.10.3; 9.14.6; *Ep.* 11.6; 16.6; 21.5; 59.7; 61.3; 67.16; 71.15; 71.9; 74.19; 74.31; 87.41; 89.20; 90.3;

of these (27 of 102) have the meaning of an order (including a quotation from Virgil).⁶⁶ Another twenty-nine, unsurprisingly for a writer of philosophy of Seneca's stamp, are of a general sense, sometimes referring to the power exercised by gods, kings or emperors, sometimes of military commanders, sometimes about states and 'great powers'.⁶⁷ One of these uses *imperium* of the great estate of a private individual, which makes it clear that here the meaning of the word is that of a territorial empire.⁶⁸

In terms of the *imperium* of individuals, Seneca uses the word surprisingly rarely. It occurs only five times for the power of a magistrate or pro-magistrate,⁶⁹ though twice in a passage from the *De beneficiis* it carries the meaning of a command, almost the equivalent of *provincia*.⁷⁰ Even the *imperium* of the emperor occurs only eight times.⁷¹ Once he uses it of the power of a father,⁷² and once when writing about a procurator. This last is interesting, occurring in the preface to the fourth book of his *Naturales quaestiones*, addressed to his friend Lucilius, who was imperial procurator in Sicily, one of the people's *provinciae*, whom he urges, in order to allow himself enough leisure, not to treat as *imperium* what was *procuratio*.⁷³ Although this

91.15; 91.6; 92.33; 94.44; 94.8; 95.52; 94.60; 106.10; 107.10; 108.7; 110.14; 113.30; *Q nat.* 1.pr.9; 3.pr.9; 4.2.16; 4.pr.1; 4.pr.21; 6.18.5; 6.23.3; 6.3.1; 7.25.2.

⁶⁶ *Dial.* 1.1.2; 3.10.4; 4.10.1; 5.15.3; 5.16.1; 5.18.2; 10.8.5; *Clem.* 1.13.4; *Ben.* 3.19.4; 3.21.2; *Dial.* 7.26.9; 9.1.10 (doubtful text); 9.10.3; 9.14.6; *Ep.* 94.60; 106.10; 107.10; 108.7; 61.3; 67.16; 74.31; 92.33; 94.44; 95.52; *Q nat.* 6.18.5 (= *Virg. Aen.* 1.53-4); 6.3.1; 7.25.2.

⁶⁷ *Dial.* 2.1.1; 2.4.1; 2.8.3; 3.10.4; 4.15.5 (imperial, world power); 5.12.7; 7.8.6; 7.26.1; 9.10.3; *Ben.* 3.18.3; 4.18.3; 4.32.2 (king); 6.23.6; 7.5.1 (king); *Clem.* 1.1.3; 1.4.1; 1.7.2 (twice); 1.8.1 (king or emperor); 1.11.4; 1.16.1; 1.16.2; *Ep.* 11.6; 16.6; 59.7 (military commander); 90.3 (gods); 94.44 (twice); 113.30.

⁶⁸ *Ep.* 89.20: 'quam vultis late possidete, sit fundus quod aliquando imperium vocabatur, facite vestrum quidquid potestis, dum plus sit alieni.'

⁶⁹ *Dial.* 5.32.2; 6.20.2; *Ben.* 3.33.3; *Ep.* 94.8; *Q nat.* 4.2.16 (and of queen).

⁷⁰ *Ben.* 5.16.4; 5.16.6.

⁷¹ *Apocol.* 10.2; *Dial.* 6.2.3; 10.4.5; 10.18.5; 11.17.4; *Ben.* 7.6.3; 7.11.2; *Clem.* 1.11.2.

⁷² *Ben.* 3.38.2.

⁷³ *Q nat.* 4.pr.1: 'delectat te, quemadmodum scribis, Lucili virorum optime, Sicilia et officium procurationis otiosae, delectabitque, si continere id intra fines suos volueris nec efficere imperium quod est procuratio.'

is a warning about what Lucilius should avoid, Seneca's use of it indicates that by the end of his life, when this passage was written, the distinction between the role of an *imperium*-holder and that of an imperially appointed official was much reduced.

Seneca uses *imperium* in the sense of the power of Rome and the Roman people on twenty-two occasions. Of these, fifteen refer to the state as a whole,⁷⁴ while three relate to the power of Rome over other peoples.⁷⁵ In four cases he uses language which suggests that his notion of *imperium* is that of a territorial empire. In one, the *imperium* is an area with boundaries (*fines*);⁷⁶ in another it is an area in which people live.⁷⁷ In the chapter which follows this last in the second book of the *De clementia* Seneca uses the expression *corpus imperii* (the body of the empire), which we have seen previously in Ovid when referring to the empire, and develops the idea further, so that Nero becomes its head.⁷⁸ Finally, in a passage in the *Naturales quaestiones*, he writes (if the text is correctly emended) of the boundary by which the *imperium* keeps the Dacians at bay.⁷⁹ Even without this instance, however, it is clear enough that *imperium* as a unitary territorial empire was part of Seneca's vocabulary and understanding.

He also uses the word in non-Roman contexts, of Persian and Macedonian regimes and kings,⁸⁰ as well as in two passages referring

⁷⁴ *Dial.* 3.11.5 (twice); 6.20.4; 11.12.5; 11.12.3; 11.17.3; 12.9.8; 12.7.7; 12.10.3; *Clem.* 1.4.2; *Ben.* 3.33.3; 3.37.1; *Ep.* 71.9; 87.41; *Q nat.* 4.pr.21.

⁷⁵ *Dial.* 4.34.4; 11.15.5; 12.9.7.

⁷⁶ *Dial.* 12.10.3: 'di istos deaeque perdant quorum luxuria tam invidiosi imperii fines transcendit!'

⁷⁷ *Clem.* 2.1.3: 'omnes gentes, quae Romanum imperium incolunt'.

⁷⁸ *Clem.* 2.2.1: 'tradetur ista animi tui mansuetudo diffundeturque paulatim per omne imperii corpus.' For a similar metaphor, with the *res publica* as the body, see *Clem.* 1.5.1. For Ovid's usage, see above, p. 133.

⁷⁹ *Q nat.* 1.pr.9: 'O quam ridiculi sunt mortalium termini! Ultra Istrum Dacos <nostrum> eat imperium, Haemo Thraces includat; Parthis obstat Euphrates' (in Oltramare (1929)). In his recent edition, Hine (1996) follows Madvig in reading 'ultra Histum Dacus non exeat, imperium Haemo Thraces includant', where *imperium* would refer to a foreign territorial empire.

⁸⁰ *Dial.* 5.16.3 (the magi in Persia); *Ben.* 3.37.3 (Macedonian, over Cyprus); 7.3.1 (Persian kings).

to 'foreign powers' in general.⁸¹ In one further passage, he writes of Alexander as extending his *imperium* from a corner of Thrace to the furthest edges of the east, which sounds like a territorial empire.⁸²

Seneca's use of *provincia* follows a similar pattern. Of the twenty-four occasions on which it occurs, only five relate to the area of responsibility of a Roman magistrate or pro-magistrate, and indeed all of these are generalised rather than about specific areas.⁸³ He also uses it five times of the area within which an imperial procurator operates.⁸⁴ The generalised use which was apparent in the case of the *provinciae* of individuals is also present in the case of *provinciae* as areas of the Roman people. There are twelve such instances, of which only one refers to a specific *provincia* (Egypt).⁸⁵ Apart from these occurrences, he uses the word once for an area controlled by Alexander the Great,⁸⁶ and once for the areas into which ants divide an open space.⁸⁷ None of these instances, even the last, carry any notion of any necessary organisation of the sort seen in Velleius. Seneca also uses the word *provincialis* on two occasions, once for an individual from Egypt,⁸⁸ and once to distinguish land conquered by the Romans outside Italy from Italian land.⁸⁹ This sense of *provincia* is one which, as we shall see, is found in other writers of the period.

At first sight, the scarcity of uses of *imperium* and *provincia* in Seneca which relate to the way in which the Roman Empire was organised or regarded is surprising in a writer who was so close to the centre of the imperial court. The contrast with Velleius is particularly striking in this respect. There are, however, two explanations

⁸¹ *Ep.* 71.15 (quoting the younger Cato); 74.19.

⁸² *Q nat.* 6.23.3; *imperium ex angulo Thraciae usque ad Orientis terminos protulit.*

⁸³ *Ben.* 1.5.1; 1.9.5; 3.33.3; 5.16.4; *Ep.* 104.30. ⁸⁴ *Ep.* 19.5; 43.3; *Q nat.* 4.pr.21 (twice); 4.1.1.

⁸⁵ *Dial.* 3.21.1-2; 6.3.1; 12.7.7; 12.10.1; 12.19.6 (Egypt); *Ben.* 5.16.6; 7.10.5; *Ep.* 74.28; 87.7; 89.20; 90.39; 91.10.

⁸⁶ *Ep.* 113.30. ⁸⁷ *Q nat.* 1.pr.10. ⁸⁸ *Dial.* 12.9.6. ⁸⁹ *Dial.* 10.13.8.

for this phenomenon. First, Seneca, so far as is known, had no direct involvement in the government of the empire before Nero's accession, and even after it his position was entirely informal.⁹⁰ More importantly, Seneca's style and language in his writings is always that of a philosopher rather than of someone actively engaged in the politics of his age, even though he was. Consequently he is writing moral philosophy, in which the general predominates over the particular, and this is clearly seen in the pattern of his usage of these two words.

Two other writers from the Neronian period, who combine prose and verse in their very different works, also illustrate the ways in which subject matter determines the usage of the two words we are examining. Petronius, in the surviving fragments of his *Satyrica*, uses *imperium* eight times: six with the meaning 'order',⁹¹ one of the authority of a ship's captain,⁹² and one (in a magniloquent passage of verse) of the power of Pompeius.⁹³ *Provincia* occurs only once, in the story of the widow of Ephesus, where the provincial governor is referred to as the *imperator provinciae*.⁹⁴ Columella, in his substantial work on agriculture (*De re rustica*) uses *imperium* eleven times, four of which carry the meaning 'order',⁹⁵ and one of the power or authority to issue orders.⁹⁶ In book 10, written in hexameter verse, he uses the word for an order given by a god.⁹⁷ In three passages in book 9, on apiculture, he uses it of bees, of orders issued and of the power of the king of the hive.⁹⁸ Only in two places does he use it of human institutions, once for the power of a magistrate⁹⁹ and once of states.¹⁰⁰ He uses *provincia* fifteen times when describing

⁹⁰ See Griffin (1976), 29–128; and on Seneca's relation as author to Rome and the empire, the illuminating article by Hine (2006).

⁹¹ 97.5; 131.6; 135.2; 135.5; 140.8; 141.6. ⁹² 115.13. ⁹³ 123. l.243. ⁹⁴ 111.5.

⁹⁵ 1.9.2; 6.2.10; 6.23.3; 6.24.2. ⁹⁶ 1.8.3. ⁹⁷ 10, line 425.

⁹⁸ 9.9.1; 9.11.2; 9.11.3. ⁹⁹ 1.pr.10. ¹⁰⁰ 11.1.25.

the forms of agriculture in various parts of the world, always of areas rather than of the responsibility of *imperium*-holders.¹⁰¹ It is not surprising, given the nature of his survey, that he uses *provincia* to distinguish forms of agriculture undertaken outside Italy: three times he specifies them as *transmarinae provinciae*,¹⁰² and in another three cases the contrast with Italy is to a greater or lesser extent explicit.¹⁰³ The six occasions on which he uses the adjectival form *provincialis*, of land,¹⁰⁴ farmers¹⁰⁵ or of vineyards,¹⁰⁶ always carry this extra-Italian significance.

Finally, three prose writers with still more specialised interests. Pomponius Mela, writing his geographical tract, *De chorographia*, in the reign of Claudius, uses *imperium* just once, and then not in a geographical sense: he echoes Sallust in describing Carthage as having been *aemula imperii Romani* ('a rival for Rome's power'), a phrase also used by Velleius.¹⁰⁷ He uses *provincia* three times, on each occasion for an area belonging to Rome.¹⁰⁸ In this he follows what we have seen to be the normal use of the period. The early first-century writer on figures of speech, P. Rutilius Lupus, uses *imperium* once, of the power of a tyrant, quoting Hyperides.¹⁰⁹ Asconius, in his surviving commentaries on Cicero's speeches uses it three times in his commentary on the *Pro Cornelio*, once of the *decemviri* of the fifth century BC, and twice in a section on the abrogation of *imperium*.¹¹⁰ As for *provincia* (excluding his direct quotations from Cicero), he uses it on twelve occasions, once in general of areas controlled by the Roman people,¹¹¹ and eleven times of areas which were the

¹⁰¹ 1.pr.20; 1.6.15; 2.2.22; 2.8.4; 3.12.6; 3.14.2; 5.1.5; 5.5.15; 5.8.5; 6.1.1; 9.1.4; 11.2.50; 11.2.61; 11.3.26; 11.3.54.

¹⁰² 1.pr.20; 1.6.15; 11.2.50. ¹⁰³ 3.14.2; 6.1.1; 11.2.61. ¹⁰⁴ 3.3.11; 5.4.3.

¹⁰⁵ 3.13.1; 4.1.5; 4.33.6. ¹⁰⁶ 5.4.1.

¹⁰⁷ 1.34. Compare Sallust, *Cat.* 10.1–3; Velleius 1.12.6; 2.1.1.

¹⁰⁸ 1.22; 1.39; 2.85. ¹⁰⁹ *Schem. Lex.* 2.2. ¹¹⁰ *Corn.* 77C; 78C (twice). ¹¹¹ *Corn.* 57–8C.

responsibility of *imperium*-holders.¹¹² He also uses *provincialis* once, of individuals from an area controlled by a pro-magistrate.¹¹³ In all this, he is of course using the words in the same sense as we have seen in Cicero.

The prose writers of the period between the deaths of Augustus and Nero seem, in respect to their usage of *imperium* and *provincia*, to constitute a spectrum, ranging from those who use the words in a way which is entirely or largely the same as that of the late republic, to those whose usage is much more coloured by the new senses of the words which appeared in the Augustan period. At the 'Ciceronian' extreme stands Asconius, with Valerius Maximus not far away; while at the 'post-Augustan' end we find Velleius Paterculus, with Seneca very much in this part of the scale. Between the two sets, but more towards Velleius than Asconius, may be located Columella and Curtius Rufus. The reasons for these differences have been discussed above, but it is worth drawing together the criteria which distinguish the various groups, and in particular the additions and changes which have come about since the Ciceronian age. In the case of *imperium*, perhaps the most obvious is the use of the word to mean a geographical entity, an empire, and also (though surprisingly not all that often) to refer to the power or office of the emperor; but besides those is the increased frequency of *imperium* meaning a command in a sense which in the early period might have been represented by *provincia*. On the other hand, *provincia* is used much more rarely in this sense and has become instead almost exclusively a term for a piece of territory, with little or no reference to the *imperium*-holder whose *provincia* (in Republican terminology) it is. Alongside this change, and complementary to it, is the use of *provincia* and *provincialis* to

¹¹² *Pis.* 1C (twice); 2C (twice); 15C; *Scaur.* 18C; 18–19C; 19C; *Corn.* 66C; *In tog. cand.* 85C; 89C.

¹¹³ *In tog. cand.* 92.

refer in a general way to land which is not Italian. These changes in the use of both *imperium* and *provincia* seem to reflect a view of the Roman world divided between Rome and Italy on the one hand and annexed Roman territories (*provinciae*) on the other. Of course these are not the only senses of the two words, and the notion of the *imperium* of the Roman people as power exercised across the world is still present, as indeed is the meaning of *provincia* as the area assigned to a magistrate or pro-magistrate, especially in those writers at the 'Ciceronian' end of the spectrum when dealing with past history. The change in language and the understanding implicit in that language is, however, marked in the more 'post-Augustan' writers, and this change represents a quite different way of seeing Rome's empire.

In the case of the poets of the first century AD, the problems of periodisation, especially in dividing Augustan from post-Augustan writers, are evident. Ovid, who has been treated for the purposes of this investigation as late Augustan was, of course, writing his letters from Pontus in the first years of the reign of Tiberius, though the trends in his usage of *imperium* and *provincia* which have been identified as peculiar to him occur first in the last years of Augustus.¹¹⁴ Manilius wrote the first two books of his *Astronomica* before Augustus' death and the remaining three in the reign of Tiberius.¹¹⁵ That said, neither he nor the other poets of the early Julio-Claudian period show the new range of meanings found in Ovid. Manilius uses *imperium* nine times: once of an order¹¹⁶ and twice of the power to rule in a general sense;¹¹⁷ in two places he uses it of the power of Rome over others¹¹⁸ and once of the power of the Roman people to refer to the state as a whole.¹¹⁹ Only once does he use it of the

¹¹⁴ See above, pp. 132–5. ¹¹⁵ Goold (1977), xi–xii. ¹¹⁶ 1.496.

¹¹⁷ 1.510; 4.544. ¹¹⁸ 1.512; 4.774. ¹¹⁹ 1.912.

power and office of magistrates.¹²⁰ The other two occurrences refer to the power of stars over various parts of the body¹²¹ and of the god Saturn, ejected from rule over the heavens.¹²² The word also occurs in the *Consolatio ad Liviam*, referring to the power of Rome, spread by Drusus to new lands.¹²³ Phaedrus has it three times, twice of the power to rule in a general sense, once of a rapacious kite and once of Demetrius of Phaleron,¹²⁴ and once he uses *imperium Romanum*, in an address given by Pompeius, of the power of Rome, referring to the whole state.¹²⁵

Of the poets of the Neronian period, Persius uses *imperium* once, of an order,¹²⁶ and Calpurnius Siculus not at all. It occurs more frequently, however, in Seneca's tragedies and in Lucan's *Pharsalia*. Seneca has thirty occurrences: he uses it seven times to mean 'order'¹²⁷ and six to refer to power in a general sense.¹²⁸ In eleven places, the *imperium* is that of a king,¹²⁹ and in one of a god.¹³⁰ Five times he uses it of states, always, of course, Greek.¹³¹ Lucan, dealing with the history of the late republic, is nearer to some prose writers than any of the other poets we have considered. He uses *imperium* seventeen times: of an order on two occasions,¹³² but of the power of magistrates or pro-magistrates five times,¹³³ and once in the sense of a command, shared between two *imperium*-holders.¹³⁴ He also uses it once of a king, Alexander.¹³⁵ Apart from the power of individuals, he has seven examples of the word standing for the Roman state,¹³⁶ and one of empire in a territorial sense, in a speech

¹²⁰ 2.146. ¹²¹ 2.454. ¹²² 2.933. ¹²³ *Consolatio ad Liviam* 20.

¹²⁴ 1.31.12 (kite); 5.1.2 (Demetrius). ¹²⁵ *Appendix* 10.31. ¹²⁶ 5.158.

¹²⁷ *Her.* 42; 398; 433; *Phoen.* 591; *Med.* 768; *Phaed.* 1083; *Oed.* 247.

¹²⁸ *Her.* 741; 1315; *Tro.* 258; *Phoen.* 296; *Med.* 178; *Oed.* 359.

¹²⁹ *Phoen.* 374; 660; *Med.* 195; 216; *Phaed.* 430; 868; 1111; *Oed.* 705; *Thy.* 239; 471; 526.

¹³⁰ *Her.* 79 (Jupiter). ¹³¹ *Phoen.* 281; *Oed.* 11; 84; 527; *Thy.* 223.

¹³² 3.438; 7.736. ¹³³ 1.275; 5.390; 7.378; 8.29; 9.207. ¹³⁴ 4.6.

¹³⁵ 10.40. ¹³⁶ 5.27; 5.201; 7.579; 7.588; 8.799; 9.747; 10.411.

given to L. Lentulus Crus, in which he describes how the pursuit by Caesar and Pompeius of civil war had laid bare the flank of the *imperium*.¹³⁷ This is the only example of what I have called a 'post-Augustan' usage that I have found in the poets of this period. Lucan is also the only poet to use the word *provincia*, which he does twice, though one is of an area that had been under the control of the Macedonians,¹³⁸ and the other a passage in which Caesar describes himself as Pompeius' last *provincia*, which is a fine example of Lucan's sardonic rhetoric in using (almost uniquely for this period) the word in its original sense of the task assigned to a holder of *imperium*.¹³⁹

LITERARY SOURCES, AD 69–138

The writers of the years which followed the end of the Julio-Claudian dynasty after the death of Nero are not very different in their usage of *imperium* and *provincia* from those we have been examining from the earlier part of the first century. As with those authors, the balance of usages varies depending on their subject matter, but there are also signs of a steady move across the spectrum towards the 'post-Augustan' senses noted above.

In his massive work, the *Naturalis historia*, the elder Pliny uses *imperium* only forty-nine times, of which six carry the early and abiding sense of 'order'¹⁴⁰ and three are of power in a generalised sense.¹⁴¹ In the case of the power of individuals he uses the word three, or possibly four, times of the power or office of the emperor,¹⁴²

¹³⁷ 8.425: 'imperii nudare latus'.

¹³⁸ 10.51–2: 'non felix Parthia Crassis/exiguae secure fuit provincia Pellae.'

¹³⁹ 1.338: 'ultima Pompeio dabitur provincia Caesar.'

¹⁴⁰ 2.21; 7.125; 8.1; 8.23; 8.182; 11.106. ¹⁴¹ 2.174; 7.132; 35.86.

¹⁴² 2.92; 11.190; 13.126. The doubtful passage is at 9.118, where the emperor Gaius' mistress, Lollia, is described as *imperii muliercula*, but the emendation *imperatoris* has been suggested.

once of a foreign king,¹⁴³ once of a centurion¹⁴⁴ and once of a trainer of horses.¹⁴⁵ Of the *imperium* of nations, he uses the word seventeen times to refer to the state as a whole, usually of the Romans, but once of the Parthians and once in a general context.¹⁴⁶ Twice he uses it of the power of nations in general,¹⁴⁷ and four times of specified peoples.¹⁴⁸ It relates to the imperial power of Rome in seven other passages, one being the citation of an inscription of Augustus and one about the power of Rome over the sea in the republican period.¹⁴⁹ In three places he uses the word in a clearly territorial sense, as an entity with a *terminus*, a *finis* or a *margo*.¹⁵⁰ The most notable absence from these usages is that of the *imperium* of a magistrate or pro-magistrate.

He uses *provincia* eighty-eight times, all but four being of areas under Roman control rather than with reference to a governor.¹⁵¹ Twice he uses it of the area assigned to a *legatus*,¹⁵² once to a proconsul¹⁵³ and once using the general word *praesidere*.¹⁵⁴ He uses *provincialis* four times, always relating to events occurring in areas under Roman control.¹⁵⁵ Once again, though it is not surprising, given the descriptive content of his work, the geographical sense of

¹⁴³ 6.192. ¹⁴⁴ 14.19. ¹⁴⁵ 8.162.

¹⁴⁶ pr.3; 3.31; 3.39 (general); 3.56; 6.101; 6.111 (Parthian); 7.95; 10.41; 12.65; 12.84; 15.77; 15.78; 18.18; 22.5; 22.10; 29.26; 36.111.

¹⁴⁷ 2.190; 14.4.

¹⁴⁸ 2.97 (Lacedaemonian); 4.33 (Macedonian); 4.39 (Macedonian); 5.88 (Parthian and Roman).

¹⁴⁹ 3.137 (Augustan inscr.); 5.29; 7.98 (over sea, from a contemporary account of Pompeius' triumph in 61 BC); 7.117; 10.49; 14.2; 33.21.

¹⁵⁰ 6.120 (*terminus*); 12.19 (*finis*); 12.98 (*margo*).

¹⁵¹ 1.3a; 2.115; 2.121 (twice); 3.6; 3.7; 3.9 (twice); 3.16; 3.18 (three times); 3.31 (three times); 3.37; 3.75; 3.145; 3.149; 4.12; 4.106; 4.108; 4.109; 4.117; 5.2; 5.12; 5.17; 5.18; 5.25; 5.28; 5.58; 5.102; 6.112; 7.99; 8.78; 8.191; 9.10; 9.29; 9.59; 9.117; 11.240; 12.108; 14.13; 14.14; 14.43 (twice); 14.81; 14.83; 14.120; 15.3; 15.8; 15.72; 15.74; 16.19; 17.21; 17.49; 18.15; 18.35; 18.69; 18.190; 18.203; 19.4; 19.36; 19.38; 19.47; 19.65; 21.57; 22.164; 25.18; 26.4; 26.5; 30.16; 30.146; 31.4; 33.30; 33.96; 34.2; 34.31; 34.96; 34.165; 36.136; 36.159; 37.43; 37.140.

¹⁵² 12.9; 15.83. ¹⁵³ 35.20. ¹⁵⁴ 34.47. ¹⁵⁵ 8.135; 17.53; 29.22; 36.116.

provincia predominates, but it is notable that he refers so little to the older structures of pro-magistrate and *provinciae*. In two passages, he shows uses of the notion of *provinciae* which belong to the 'post-Augustan' set of senses: once the *provinciae* are explicitly contrasted with Italy,¹⁵⁶ and once he uses *provinciae* to stand for the empire as a whole.¹⁵⁷

The technical treatises of Frontinus on aqueducts, stratagems and surveying contain only seven uses of *imperium* and seven of *provincia*, but these cover a remarkable range. *Imperium* is used of an order once,¹⁵⁸ twice of a magistrate or pro-magistrate (both republican),¹⁵⁹ once of a foreign king¹⁶⁰ and once of the emperor.¹⁶¹ He uses it twice of the *imperium* of the Roman people.¹⁶² One of his uses of *provincia* relates to the area of a pro-magistrate,¹⁶³ one to the responsibility of the quaestors for waterways,¹⁶⁴ and five to geographical areas of Roman control.¹⁶⁵ In two of these last, he makes a distinction between Italy and the *provinciae*.¹⁶⁶

Quintilian's no less technical treatise on oratory uses *imperium* only five times, with a similarly wide range of senses. Once it means an order,¹⁶⁷ once the military commands given to magistrates or pro-magistrates,¹⁶⁸ once the fictional power of tyrants in school declamations,¹⁶⁹ and once the office of the emperor.¹⁷⁰ Only once does he use it of the power of the Roman people as a whole, and that in a quotation from Cicero.¹⁷¹ He uses *provincia* seven times, two in citations of Cicero, and always with reference to magistrates

¹⁵⁶ 3.31: 'amplitudine opum nulli provinciarum postferenda breviterque Italia verius quam provincia'.

¹⁵⁷ 9.117: 'nec dona prodigi principis fuerant, sed avitae opes, provinciarum scilicet spoliis partae'.

¹⁵⁸ *Str.* 1.10.2. ¹⁵⁹ *Str.* 2.6.2; 4.1.22. ¹⁶⁰ *Str.* 2.11.4 (Alexander). ¹⁶¹ *Aq.* 13.2.

¹⁶² *Str.* 2.11.5; *Aq.* 119.2. ¹⁶³ *Str.* 2.5.36. ¹⁶⁴ *Aq.* 96.1.

¹⁶⁵ *Str.* 1.1.8; 4.3.15; *De agrorum qualitate* 1(T); 2(T); *De controversiis* 6(T).

¹⁶⁶ *Str.* 4.3.15; *Contr.* 6(T). ¹⁶⁷ 1.3.6. ¹⁶⁸ 2.4.40. ¹⁶⁹ 9.2.67. ¹⁷⁰ 10.1.91.

¹⁷¹ 7.3.35 (= Cicero, *Or. perd.* 7, fr. 27).

and pro-magistrates, with two relating to the community of the area.¹⁷²

With the younger Pliny we are in a much more distinctly 'post-Augustan' atmosphere. He uses *imperium* fifty-eight times, though forty-five of those are from his panegyric of Trajan, delivered in his consulship in AD 100. Ten of these uses have the meaning 'order'.¹⁷³ Only four times, however, does he use *imperium* of a magistrate or pro-magistrate, twice of a proconsul and once of the command of the fleet at Misenum.¹⁷⁴ By contrast, he uses it of the emperor twenty-five times, all but four in the *Panegyricus*.¹⁷⁵ Once he uses it of the power of the gods.¹⁷⁶ On sixteen occasions he has it meaning the whole state of Rome, though in the *Panegyricus* it is not always easy to distinguish this from reference to the office of the emperor.¹⁷⁷ Twice he seems to be referring to a territorial empire, in both cases using a phrase about the carrying forward of its boundaries (*proferre imperi fines*).¹⁷⁸

Pliny's use of the word in the *Panegyricus* is particularly interesting because of his exploitation of the different senses of *imperium* in his presentation of Trajan as the holder of supreme power within a context which relates not only to the ancient constitutional structures of Rome but also to the everyday life of the Roman people. Thus although, as already noted, he frequently uses the word to refer to the office of the emperor, he begins his speech by affirming that he

¹⁷² 4.2.15 (community); 4.2.108; 5.10.76 (= Cicero, *Or. perd.* 3, fr. 2); 6.3.39; 6.3.68; 11.3.162 (community (= Cicero, 2 *Verr.* 1.76)); 12.1.16.

¹⁷³ *Ep.* 8.6.12; 8.14.7; *Pan.* 1.2; 14.5; 22.3; 38.7; 45.6; 46.5; 73.2; 78.1.

¹⁷⁴ *Ep.* 3.9.15 (procos); 6.16.4 (fleet at Misenum); 7.27.2 (procos); 8.24.6 (general).

¹⁷⁵ *Ep.* 6.10.4; 9.19.1; 10.52.1; 10.102.1; *Pan.* 5.7; 6.3 (twice); 6.4; 6.5; 7.3; 8.4 (twice); 8.6; 9.1; 9.5; 10.6; 11.4; 48.1; 50.2 (twice); 51.2; 56.3; 63.5; 80.3; 86.2.

¹⁷⁶ *Pan.* 8.2.

¹⁷⁷ *Ep.* 4.22.7; 10.14.1; *Pan.* 1.6; 12.2; 16.4; 17.4; 20.5; 26.6; 37.1; 41.1; 56.5; 66.2; 67.3 (twice); 82.4; 94.1.

¹⁷⁸ *Ep.* 8.6.6; *Pan.* 54.4.

is, as consul, giving thanks to the best of emperors on the order (*imperium*) of the senate and with the authority (*auctoritas*) of the *res publica*. This use of *imperium* for an instruction issued by the senate is unusual and occurs (so far as I am aware) with regard to the Roman senate only in Valerius Maximus apart from this and one other passage in the *Panegyricus*.¹⁷⁹ He also uses it of the whole Roman state, sometimes (as noted above) in passages which make it hard to distinguish this from the emperor or his office,¹⁸⁰ but also as the body to which the emperor is accountable.¹⁸¹ He even has those who are ill neglecting the orders (*imperium*) of those who are caring for them and looking to the emperor for their safety and their health.¹⁸² In all this Pliny is associating Trajan, as the supreme holder of *imperium*, with the wellbeing, almost with the very existence of the Roman people; and it is noteworthy that he never in this speech uses the word of any other individual magistrate, and even when speaking of Trajan's own consulates, he reserves *imperium* for the imperial office.¹⁸³

He uses *provincia* fifty-six times, of which twelve are to be found in book 10 of his letters, those to Trajan, especially during Pliny's time as *legatus Augusti* in charge of Bithynia-Pontus. The majority of these (forty-five of the fifty-six) relate to the *provincia* of an

¹⁷⁹ *Pan.* 1.2: 'qui mos cui potius quam consuli aut quando magis usurpandus colendusque est, quam cum imperio senatus, auctoritate rei publicae ad agendas optimo principi gratias excitamur?' Compare Valerius Maximus, 1.1.21; 4.6.3; 9.5.2; Pliny, *Pan.* 78.1. Livy uses the expression once, of the Carthaginian senate (30.19.4–5).

¹⁸⁰ As in *Pan.* 10.6: 'cum abunde expertus esset, quam bene umeris tuis sederet imperium, tibi terras te terris reliquit, eo ipso carus omnibus ac desiderandus, quod prospexerat ne desideraretur.'

¹⁸¹ *Pan.* 20.5: 'adsuescat imperator cum imperio calculum ponere; sic exeat sic redeat tamquam rationem redditurus; edicat quid absumpserit.'

¹⁸² *Pan.* 22.3: 'aegri quoque neglecto medentium imperio ad conspectum tui quasi ad salutem sanitatemque propere'.

¹⁸³ *Pan.* 56.3: 'ut illud, quod secundum consulatum recepisti, quia princeps et pater deferebat; at postquam ad te imperi summam, et cum omnium rerum tum etiam tui potestatem, di transtulerunt, tertium consulatum recusasti, cum agere tam bonum consulem posses.'

imperium-holder,¹⁸⁴ with only eleven being of the more common sense for this period of an area controlled by Rome.¹⁸⁵ This is no doubt because of the context of Pliny's life, not only in his last years when in Bithynia-Pontus, but also because he was involved in the court proceedings of governors accused *de repetundis* and in any case was writing his letters to individuals, some of whom were or had been in charge of provinces. This is reinforced by his use on twenty occasions of *provincia* as the community of those within the area,¹⁸⁶ and of *provincialis* eight times of members of that community.¹⁸⁷ The only other use he has of *provincialis* is in the famous letter, in which a chance acquaintance asks him if he is a *provincialis* or an *Italicus*,¹⁸⁸ an interesting example of the distinction between Italy and the *provinciae*, which is also found in one of his other letters.¹⁸⁹

Also in the collection of Pliny's correspondence are the letters he received in Bithynia-Pontus from Trajan. The emperor uses *imperium* twice only, on both occasions of the power and office he himself held, referring to the celebration of his *dies imperii*.¹⁹⁰ He uses *provincia* eighteen times, twelve of the area for which a governor (usually Pliny) was responsible,¹⁹¹ and six times of areas under Roman control.¹⁹² Four of the first group of twelve relate

¹⁸⁴ *Ep.* 1.7.2; 2.12.2; 3.1.12; 3.4.2; 3.9.1; 3.9.4; 3.9.17; 3.9.31; 3.9.36; 4.9.6; 4.12.2; 4.26.2; 6.22.1; 6.22.7; 7.6.1; 7.6.4 (twice); 7.10.3 (twice); 7.16.3; 7.25.2; 7.27.2; 7.33.4; 7.33.6; 8.24.2; 8.24.9; 10.3a.2; 10.15.1; 10.17a.2; 10.17b.1; 10.33.1; 10.56.2; 10.56.3; 10.65.1; 10.67.1; 10.72.1; 10.77.3; *Pan.* 9.5; 44.7; 59.3; 70.1; 70.4; 70.8 (twice); 70.9.

¹⁸⁵ *Ep.* 1.10.8; 2.13.4; 4.7.2; 6.19.6; 10.51.2; *Pan.* 7.5; 17.1; 20.4; 32.1; 70.3; 79.6.

¹⁸⁶ *Ep.* 1.7.2; 1.10.8; 2.11.2; 2.13.4; 3.4.2; 3.4.3; 3.9.1; 3.9.4; 3.9.31; 3.9.36; 7.6.1; 7.6.4 (twice); 7.10.3 (twice); 7.33.4; 7.33.6; 10.3a.2; 10.52.1; 10.100.1.

¹⁸⁷ *Ep.* 2.11.2; 3.4.3; 3.9.15; 4.9.6; 6.29.8; 9.5.1; 10.52.1; 10.100.1.

¹⁸⁸ *Ep.* 9.23.2–3: 'Italicus es an provincialis?'

¹⁸⁹ *Ep.* 4.7.2: 'eundem in exemplaria mille transcriptum per totam Italiam provinciasque dimisit.'

¹⁹⁰ *Ep.* 10.53.1; 10.103.1.

¹⁹¹ *Ep.* 10.16.1; 10.20.1; 10.32.1; 10.34.1; 10.48.1; 10.53.1; 10.57.12 (twice); 10.103.1; 10.115.1; 10.117.1 (twice).

¹⁹² *Ep.* 10.18.3; 10.40.3; 10.46.1; 10.62.1; 10.66.1; 10.66.2.

to the community under the governor's control,¹⁹³ as do all four of his uses of *provincialis*.¹⁹⁴ The word *imperium* also occurs in the magniloquent edict of the emperor Nerva, which Pliny appends to one of his letters to Trajan, here meaning the power or office of the emperor.¹⁹⁵

The last two prose writers we shall be considering, Tacitus and Suetonius, are also firmly at the 'post-Augustan' end of the spectrum. Tacitus uses *imperium* 236 times in his works. It means 'order' in fifteen places,¹⁹⁶ and power in a general sense in a further seven.¹⁹⁷ Tacitus uses it of the power of an *imperium*-holder (a magistrate or pro-magistrate) twenty-four times, which is a small proportion (10.17%) compared with the figures we have seen in, for example, Cicero or Livy.¹⁹⁸ His most frequent use is with reference to the power or office of the emperor, which occurs 108 times (45.76%).¹⁹⁹ He also uses it of foreign kings and queens on seventeen occasions,²⁰⁰ and once of a foreign commander.²⁰¹ In places where he uses it of peoples and nations there is one instance of *imperium* in a general sense,²⁰² and ten of foreign nations and

¹⁹³ *Ep.* 10.20.1; 10.34.1; 10.53.1; 10.103.1. ¹⁹⁴ *Ep.* 10.18.2; 10.36.1; 10.69.1; 10.101.1.

¹⁹⁵ *Ep.* 10.58.9.

¹⁹⁶ *Hist.* 1.23; 1.84; 2.19; 3.8; 3.19; 5.21; *Ann.* 1.45; 1.65; 2.52; 3.63; 4.2; 4.23; 12.1; 13.36; 13.56.

¹⁹⁷ *Dial.* 40.3; *Hist.* 1.30; 1.83; *Ann.* 1.1; 2.2; 6.42; 15.31.

¹⁹⁸ *Agr.* 13.1; *Hist.* 2.12; 2.33; 3.46; 3.57; 4.3; 4.14; 4.86; *Ann.* 1.9; 1.14; 1.76; 1.80; 2.43; 3.56; 3.58; 3.60; 4.40; 6.11; 6.20; 6.51; 11.21; 12.41; 12.59; 13.52. For Cicero (52.48%), see above, pp. 66–7; for Livy (47.64%), see pp. 126–7.

¹⁹⁹ *Agr.* 7.3; 33.2; *Hist.* 1.1; 1.4; 1.5; 1.8; 1.10 (twice); 1.14; 1.15 (twice); 1.22; 1.25 (described as the *imperium populi Romani*); 1.29; 1.30 (twice); 1.47; 1.49 (twice); 1.50; 1.52; 1.64; 1.67; 1.71; 1.74; 1.76; 1.77; 1.82; 1.83; 1.90; 2.1; 2.2; 2.6; 2.11; 2.33; 2.39; 2.40; 2.47; 2.48; 2.51; 2.74; 2.76 (three times); 2.77; 2.78; 2.79; 2.83; 2.84; 2.92; 2.97; 3.49; 3.64; 3.66; 3.68 (twice); 3.69; 3.70 (twice); 3.74; 3.75; 3.78; 4.4; 4.6; 4.7; 4.52; 4.63; 4.86; *Ann.* 1.3; 1.7; 1.11; 1.13; 1.31; 1.35; 1.53; 2.36; 3.18; 3.47; 3.69; 4.7; 4.18; 4.41; 6.21; 6.22; 6.50; 11.11; 11.31; 12.42; 12.68; 13.1; 13.4 (twice); 13.19; 13.21; 13.23; 14.1 (twice); 14.2; 14.7; 14.11; 14.12; 14.53; 14.56; 15.48; 15.50; 15.52; 15.65; 16.8.

²⁰⁰ *Agr.* 16.1; *Ann.* 2.3; 2.4; 2.42; 3.38; 6.32; 6.43; 11.8; 11.16; 12.10; 12.14; 12.15; 12.29; 12.40; 12.47; 12.50; 14.26.

²⁰¹ *Germ.* 7.1. ²⁰² *Ann.* 15.1.

empires.²⁰³ When writing of Rome, he uses *imperium* of the whole state twenty-nine times,²⁰⁴ and of the imperial power of the Roman people eighteen times.²⁰⁵ In addition to these, fourteen examples relate clearly to that *imperium* in a territorial, geographical sense.²⁰⁶ The *imperium* has geographical boundaries,²⁰⁷ parts,²⁰⁸ distant areas²⁰⁹ and a vast body (*corpus*).²¹⁰

Tacitus uses *provincia* 216 times, of which 84 relate to an *imperium*-holder of some type²¹¹ and 131 to areas controlled by Rome.²¹² Of these, five are explicitly areas organised into a *forma provinciae*.²¹³ He also mentions *transmarinae provinciae*,²¹⁴ and in two places contrasts the *provinciae* with Italy.²¹⁵ The *provinciae* are depicted as far away,²¹⁶ and as territories whose resources are to provide for the wellbeing

²⁰³ *Hist.* 4.58; 4.59; 4.69; 4.70; 4.74; 4.75; *Ann.* 2.60; 4.5; 6.34; 6.42.

²⁰⁴ *Hist.* 1.29; 1.30; 1.50; 1.55; 2.28; 2.69; 3.49; 3.55; 3.72; 4.12; 4.53; 4.54; 4.57; 4.59; 4.68; 4.69; 4.71; 4.82; 4.85; *Ann.* 1.42; 2.33; 2.88; 4.5; 6.42; 11.24; 13.50; 14.47; 15.1; 16.22.

²⁰⁵ *Agr.* 30.6; *Germ.* 29.3; 33.2; *Hist.* 1.64; 1.84; 2.38; 4.26; *Ann.* 1.2; 1.3; 1.28; 1.59; 2.42; 2.56; 3.71; 6.42; 12.23; 12.37; 15.13.

²⁰⁶ *Agr.* 24.1; 41.2; *Germ.* 29.1; 29.4; *Hist.* 1.16; 4.48; *Ann.* 1.9; 1.11; 2.56; 2.61; 3.34; 4.32; 4.74; 13.49.

²⁰⁷ *Agr.* 41.2; *Germ.* 29.4; *Hist.* 4.48; *Ann.* 1.9; 1.11; 2.61. ²⁰⁸ *Agr.* 24.1; *Ann.* 13.49.

²⁰⁹ *Ann.* 3.34; 4.74. ²¹⁰ *Hist.* 1.16.

²¹¹ *Agr.* 5.2; 6.2 (twice); 8.1; 9.1; 9.6; 16.3; 16.4; 18.3; 18.6; 19.2; 40.1; 40.3; 42.1; *Dial.* 36.5; *Hist.* 1.13; 1.37; 1.59; 2.5; 2.9; 2.12; 2.81; 3.46; 4.38; 5.9; *Ann.* 1.80 (twice); 2.5; 2.43; 2.54; 2.59; 2.70 (twice); 2.72; 2.74; 2.76 (twice); 2.79; 2.80; 2.82; 3.12; 3.14 (twice); 3.33 (twice); 3.34; 3.58 (three times); 3.60; 3.69 (twice); 3.71; 4.2; 4.6; 4.27 (*calles*, noted by Tac. as odd); 4.45; 4.56; 6.27 (twice); 6.29; 6.30; 6.32; 6.39; 6.40; 11.18; 11.21; 12.29; 13.30; 13.31; 13.33; 13.43; 13.46; 13.51; 13.52; 13.53; 13.54; 14.29; 15.17; 15.19 (twice); 15.20; 15.31; 16.32.

²¹² *Agr.* 5.4; 14.1; 16.2; 17.2; 18.2; 19.1–2; *Germ.* 29.4; 41.1; *Dial.* 5.3; 10.2; 20.4; 28.2; 41.2; *Hist.* 1.4; 1.8; 1.11 (twice); 1.13; 1.16; 1.30; 1.50; 1.51; 1.52; 1.57; 1.60; 1.76 (three times); 1.77; 1.78 (twice); 1.84; 2.4; 2.7; 2.12; 2.14; 2.28; 2.32; 2.58 (twice); 2.59; 2.80; 2.84; 2.87; 2.97; 3.1; 3.5; 3.8; 3.12; 3.38; 3.41; 3.46; 3.47; 4.3; 4.17 (twice); 4.25; 4.49; 4.57; 4.58; 4.65; 4.69; 4.74; 5.1; 5.9; 5.19; *Ann.* 1.2; 1.9; 1.11; 1.43; 1.44; 1.47; 1.58; 1.78; 2.1; 2.2; 2.35; 2.42 (twice); 2.56 (twice); 2.59; 2.62; 2.62; 2.63 (twice); 3.34; 3.54; 3.55; 3.74; 4.4 (twice); 4.5; 4.15; 4.23; 4.37; 4.73; 6.13; 11.1; 11.20; 11.22; 12.23; 12.36; 12.40; 12.43; 12.54 (three times); 12.60; 12.69; 13.4; 13.7; 13.8; 13.21; 13.42; 13.51; 14.27; 14.31; 14.32; 15.2; 15.5; 15.21 (twice); 15.25; 15.36; 15.45 (twice); 16.5; 16.22; 16.23; 16.27.

²¹³ Britain: *Agr.* 14.1; *Ann.* 14.31; Pontus: *Hist.* 3.47; Cappadocia: *Ann.* 2.56; *regnum in provinciam redactum*: *Ann.* 2.42.

²¹⁴ *Ann.* 13.51. ²¹⁵ *Ann.* 13.42; *Ann.* 16.5. ²¹⁶ *Ann.* 3.55.

of the estates and villas of the Roman rich.²¹⁷ He uses *provincialis* thirteen times, eleven being of the communities of those in the provinces²¹⁸ (two of which occurrences relate to those who are not Roman citizens),²¹⁹ one of a war outside Italy²²⁰ and one of the origins of Seneca.²²¹

Suetonius uses *imperium* 101 times, with a similar range of meaning to that found in Tacitus, though he only has four instances in which it carries the sense of the empire as a territorial entity, of which three are each referring to the account of the resources of the empire which Augustus drew up when he was ill in 23 BC and again just before his death,²²² the fourth being Suetonius' record of Augustus' remark that he regarded allied kings no differently from 'members and parts of the *imperium*'.²²³ In this last he seems to relate to the image of the *corpus imperii*, which, as we have seen, was a commonplace among 'post-Augustan' authors. Otherwise, Suetonius uses *imperium* to mean 'order' twice in a fragment from the *Prata*²²⁴ and twice in a generalised sense in his life of Julius.²²⁵ When describing the power of individuals, by far the most common context is the *imperium* of the emperor, which occurs sixty-three times.²²⁶ Of other magistrates, he uses it sixteen times, almost always in the sense of a 'command', rather than the power of the individual.²²⁷ In one place, however, he

²¹⁷ *Ann.* 3.54.

²¹⁸ *Agr.* 4.4; *Hist.* 2.80; 2.98; *Ann.* 3.33; 4.20; 11.24; 12.49; 15.3; 15.20 (twice); 15.21.

²¹⁹ *Ann.* 12.49; 15.3. ²²⁰ *Hist.* 1.89. ²²¹ *Ann.* 14.53. ²²² *Aug.* 28.1; 101.4; *Calig.* 16.1.

²²³ *Aug.* 48.1: 'nec aliter universos quam membra partisq[ue] imperii curae habuit'. See above, pp. 144–5.

²²⁴ *Prata* fr. 176. ²²⁵ *Jul.* 30.5; 61.1.

²²⁶ *Tib.* 24.1; 24.2; 38.1; 55.1; 67.2; 73.1; *Calig.* 12.2; 13.1; 16.4; 24.1; 26.1; 60.1; *Claud.* 7.1; 10.1; 11.1; 27.2; 35.1; 35.2; 36.1 (three times); 45.1; *Nero* 6.3; 9.1; 20.1; 22.1; 34.1; 35.4; 35.5; 42.1; *Galba* 4.1; 4.2; 8.2; 14.1; 23.1; *Otho* 4.1; 4.2; 7.1; 8.1; 11.2; *Vit.* 2.4; 9.1; 10.1; 12.1 (twice); 14.1; 15.1; 15.2; *Vesp.* 5.1; 7.1; 16.3; *Tit.* 1.1; 5.1; 6.1; 9.1; 9.3; *Dom.* 2.3; 13.1; 13.3; 15.2; 17.3; 20.1; *De gram. et rhet.* 25.6.

²²⁷ *Jul.* 11.1; 24.1; 25.1; 26.1; 54.1; 75.4; 76.3; *Aug.* 23.1; 25.1; 29.2; 47.1; 61.1; *Tib.* 12.2; 30.1; *Nero* 3.2; *Otho* 1.2.

uses the old phrase *cum imperio*, describing commanders sent out to *provinciae*,²²⁸ though in five places he distinguishes between *imperia* and *magistratus*;²²⁹ and in one case uses it of a command given to a man who may not have been a magistrate or pro-magistrate at all.²³⁰ He uses the word of the power of the Roman people fourteen times (in addition to the four mentioned above), two in a general sense of worldwide power²³¹ and twelve which relate to the state as a whole.²³²

In the case of *provincia*, Suetonius uses the word 105 times, and these instances are divided almost equally between those which are specified as the responsibility of an individual magistrate or pro-magistrate (fifty-three)²³³ and those which are referred to as the possessions of Rome as a whole (fifty-one).²³⁴ The one instance which does not fall into either category is a quotation from Cicero, written from his retreat at Astura in 45 BC, where he says that his *provincia* is solitude and retirement.²³⁵ Among the individuals, Suetonius mentions the *provinciae* of quaestors, of the emperor and, on four occasions, of *praesides*.²³⁶ When writing of *provinciae* in

²²⁸ *Aug.* 29.2. ²²⁹ *Jul.* 54.1; 75.4; *Aug.* 61.1; *Tib.* 12.2; *Otho* 1.2.

²³⁰ *Jul.* 76.3 (of Rufio, the son of Julius Caesar's former freedman, left in charge of Alexandria with three legions).

²³¹ *Aug.* 21.2; *Calig.* 8.5.

²³² *Jul.* 44.1; 79.3; *Aug.* 28.3; 31.5; *Tib.* 21.7; 41.1; *Nero* 11.2; 18.1; 31.4; *Vesp.* 1.1; 8.5; *Dom.* 3.2.

²³³ *Jul.* 9.3; 11.1; 13.1; 18.1; 18.2; 19.2; 22.1; 23.1; 24.1; 28.3; 29.2; 31.2; 35.1; 48.1; *Aug.* 3.2; 10.2; 23.1; 29.2; 36.1; 47.1; 57.2; 66.2; 67.2; *Tib.* 3.2; 16.1; 21.1; 32.2; 41.1; 42.1; 63.2; *Calig.* 25.2; 48.1; *Claud.* 1.4; 16.2; 17.3; 24.2; *Nero* 2.1; 37.3; 40.1; 43.2; *Galba* 6.1; 7.1; 8.2; 9.1; *Otho* 4.1; *Vit.* 3.2; 5.1; 12.1; *Vesp.* 2.3; 4.4; 4.6; *Tit.* 5.2; *De gram. et rhet.* 10.3.

²³⁴ *Jul.* 4.2; 25.1; 28.1; 48.1; 54.2; 59.1; *Aug.* 18.2; 33.3; 47.1; 49.1 (*provinciatim*, a hapax); 49.3; 52.1; 59.1; 60.1; 64.1; 89.2; *Tib.* 36.1; 37.4; 38.1; 48.2; *Calig.* 1.2; 13.1; 51.3; *Claud.* 15.3; 16.2; 23.1; 23.2; 25.3; 28.1; 42.1; *Nero* 18.1; 24.2; 38.3; 40.4; 42.2; 43.1; *Galba* 6.3; 10.2; 10.3; *Otho* 7.1; *Vit.* 8.2; *Vesp.* 6.4; 8.2; 8.4; 16.1; *Tit.* 4.1; *Dom.* 7.2; 8.2; *De gram. et rhet.* 3.6; 24.2; 30.6.

²³⁵ *De gram. et rhet.* 14.2, quoting Cicero, *Att.* 12.26.2. See above, p. 79.

²³⁶ Quaestor (3): *Claud.* 24.2 (*aerarium*); *Otho* 4.1 (Lusitania); *Vesp.* 2.3 (Crete and Cyrene). Emperor (2): (*Aug.* 66.2; *Tib.* 21.1). *Praeses* (4): *Jul.* 35.1; *Aug.* 23.1; *Tib.* 32.2; *Claud.* 17.3 (compare also at *Otho* 7.1; *Vesp.* 6.4; *Dom.* 8.2).

the sense of Roman possessions in general, he uses it to mean the community within the area in four places.²³⁷ He also uses it of the empire outside Italy, with one occurrence of *transmarinae provinciae*²³⁸ and three others in which *provinciae* are specifically contrasted with Italy.²³⁹ In two passages he uses the word in the plural to signify the whole empire.²⁴⁰ Finally, he also uses the phrase *redigere in formam provinciae* on six occasions to describe the actions of emperors in reforming independent states and kingdoms into the state of an organised Roman province, and once when writing about the complaint of the Augustan orator, C. Albucius Silus, when defending a client in Milan, that Italy had been turned into a province.²⁴¹ The adjective *provincialis* appears five times to describe individuals and institutions from within Roman *provinciae*, one of which is explicitly contrasted with Italy.²⁴²

As we saw with the earlier Julio-Claudians, there is little sign in those who wrote poetry after the death of Nero of the range of meanings of *imperium* to be found in Ovid, and after Ovid in prose writers. Silius Italicus, in his epic on the war with Hannibal, uses the word thirty-five times: six have the sense of 'order', whether by a human, a god or, in one case, of a personification of pleasure (*voluptas*);²⁴³ there are four referring to the power of foreign kings²⁴⁴ and four more of foreign commanders;²⁴⁵ among Romans, he uses the word of the power of magistrates and pro-magistrates eleven times, four of them meaning a command rather than the more abstract

²³⁷ *Jul.* 48.1; *Calig.* 13.1; *Galba* 10.2; *De gram. et rhet.* 3.6. ²³⁸ *Calig.* 51.3.

²³⁹ *Tib.* 38.1; *Claud.* 23.2; *Dom.* 8.2. ²⁴⁰ *Nero* 38.3; *Galba* 10.3.

²⁴¹ *Jul.* 25.1 (Gaul, excluding meritorious allies); *Aug.* 18.2 (Egypt); *Tib.* 37.4 (Cappadocia); *Calig.* 1.2 (Cappadocia); *Nero* 18.1 (Cottian Alps); *Vesp.* 8.4 (in Greece and Asia Minor); *De gram. et rhet.* 30.6 (of Italy, remark of Albucius Silus).

²⁴² *Jul.* 51.1; *Aug.* 33.3; *Calig.* 39.2; *Vit.* 7.1; *Vesp.* 9.2 (contrasted with *Italic*).

²⁴³ 9.492 (god); 10.351; 11.254 (Hannibal); 13.157; 13.631 (god); 15.127 (Pleasure).

²⁴⁴ 2.61; 8.58; 13.606; 14.81. ²⁴⁵ 1.192; 1.250; 9.226; 11.588.

‘power’;²⁴⁶ and he uses it twice of the emperor Domitian in Jupiter’s prediction of the future might of Rome towards the end of book 3.²⁴⁷ In five places he uses it of the Roman state, once having a head (*caput*) which is lifted to the stars;²⁴⁸ and in three places he uses it of the power for which Rome and Carthage are struggling.²⁴⁹ At no point, however, does he use it of a territorial empire.

Statius does not use *provincia* at all, but has twenty-nine instances of *imperium*. Of these, seventeen have the meaning ‘order’, whether of humans, gods or religion, and in one case addressed to a horse.²⁵⁰ On three occasions he uses the word of power in a general sense, whether the natural power of an individual, or the power to control a lion or of Fortuna.²⁵¹ Otherwise he uses the word of the power of foreign kings five times (all in the *Thebaid*),²⁵² one of a proconsul of Asia²⁵³ and once of the emperor Domitian.²⁵⁴ In two places in the *Silvae* he uses the word in the sense of ‘state’, but in ways which suggest a territorial empire: in one he has Venus describe Rome as the ‘Latin head of the *imperium*’, which echoes the *corpus imperii* language I have already noted;²⁵⁵ and in the other the emperor is said to entrust Abascantus, his secretary *ab epistulis*, with the task of transmitting his orders across the world and of handling the ways and means of the *imperium*.²⁵⁶ This does seem to combine the two

²⁴⁶ 5.99; 7.22 (command); 7.516 (command); 7.544 (command); 8.236 (command); 10.392; 11.50; 11.106; 13.511; 13.855; 13.858.

²⁴⁷ 3.605; 3.626. ²⁴⁸ 3.564; 7.95 (with a *caput*); 8.265; 15.8; 15.119. ²⁴⁹ 3.6; 5.676; 7.37.

²⁵⁰ *Theb.* 1.197 (of god); 2.20 (of god); 2.444; 3.306 (of god); 3.387; 5.414; 6.315; 6.376 (of god); 7.77; 7.618; 7.777; 10.2 (of god); 11.77; 12.454; *Silv.* 5.1.208 (of religion); *Achil.* 1.150; 1.282 (to horse).

²⁵¹ *Silv.* 1.4.55 (natural power of individual); *Silv.* 2.5.3 (of master over lion); 5.5.60 (of Fortuna).

²⁵² *Theb.* 2.179; 5.325; 11.550; 11.718; 12.330. ²⁵³ *Silv.* 5.2.58. ²⁵⁴ *Silv.* 1.4.6.

²⁵⁵ *Silv.* 1.2.192: ‘*imperii Latiale caput*’. See Kienast (1982); and above, pp. 133, 147 and 157.

²⁵⁶ *Silv.* 5.1.86–8: ‘*magnum late dimittere in orbem | Romulei mandata ducis, viresque modosque | imperii tractare manu.*’

distinctively 'post-Augustan' meanings of *imperium*, the territorial Roman Empire on the one hand and the power and office of the emperor on the other.

Martial uses *imperium* only three times, once to mean 'order',²⁵⁷ once of the power of a pro-magistrate,²⁵⁸ and once of the power of the Roman people.²⁵⁹ He also uses *provincia* once, with reference to a magistrate²⁶⁰ and *provincialis* to describe the provincial solitude in Spain in which he was living.²⁶¹ Juvenal has ten instances of *imperium*, four of which mean 'order';²⁶² two the power of magistrates;²⁶³ one of the kingdom of the god, Pluto,²⁶⁴ and one of the power of the Romans in a generalised sense.²⁶⁵ The other two examples do have geographical overtones: he writes of Hannibal as adding Spain to his *imperia*,²⁶⁶ and of Cloelia as swimming the Tiber, the boundary of the *imperium*.²⁶⁷ Given the topic of the nobility of the humble in days gone by that Juvenal was treating in this latter passage, he may well be implying a contrast between the time at the very outset of the republic when the Tiber was the limit of Rome's territory and his own day, when its boundaries were marked by the Danube and the Euphrates. This, however, is the nearest he, or any post-Neronian poet, comes to mirroring the usage of Ovid, for whom *imperium* can readily mean the geographical Roman Empire. He uses *provincia* four times, always with reference to the community living in the area, and twice with explicit reference to the pro-magistrate whose responsibility it was.²⁶⁸

Throughout the period considered in this chapter, the evidence from inscriptions shows less distinction in vocabulary from the literary sources than was noted in earlier periods. The word *imperium*

²⁵⁷ 1.49.34. ²⁵⁸ 11.5.10. ²⁵⁹ 6.61.4. ²⁶⁰ 12.29.15. ²⁶¹ 12.pr.

²⁶² 6.135; 10.343; 14.331; 15.138. ²⁶³ 10.79; 11.87. ²⁶⁴ 13.50. ²⁶⁵ 11.105.

²⁶⁶ 10.148: 'additur imperiis Hispania'. ²⁶⁷ 8.265: 'imperii finis Tiberinum virgo natavit'.

²⁶⁸ 1.50 (pro-magistrate's); 4.26; 5.97; 8.86 (pro-magistrate's).

is, of course, used of the power of magistrates,²⁶⁹ but it is also used of the power and office of the emperor, for instance in the *SC de Cn. Pisone patre* and in the Acts of the Arval Brethren, where sacrifices are made to Jupiter and the other gods *ob imperium* of the current emperor.²⁷⁰ Also in the *SC de Cn. Pisone patre* it is used twice in the same passage with the sense of 'state', once referring to the safety (*salus*) of 'our' *imperium* residing in the *domus Augusta*, and once linking the city and the *imperium populi Romani*.²⁷¹ Also in the Acts of the Arval Brethren, there are two passages which relate a prayer to Jupiter to guard the eternity of the *imperium* which Domitian increased by undertaking it, which could carry the sense of 'state' or perhaps of the territory of the empire.²⁷² In either case (and it may well be that this is a distinction that would not have occurred to the Arvals themselves), this is a usage which is distinctly 'post-Augustan'. In Greek inscriptions a similar range is found, where, for instance, *hegemonia* (ἡγεμονία) is used by the people of Assos of the power of the emperor on the accession of Gaius.²⁷³ Similarly *provincia*, though it often appears in inscriptions as the area assigned to an *imperium*-holding pro-magistrate, is almost as common as the designation of a piece of Roman territory;²⁷⁴ and by the reign of Trajan the phrase 'reduced to the *forma* of a *provincia*' is used of

²⁶⁹ For instance in *SC de Cn. Pisone patre* (Eck, Caballos and Fernández (1996)), copy A, lines 34–6; *lex de imperio Vespasiani*, (RS 39) lines 10–11; *oratio Claudii ad senatum*, (ILS 212) col. i, lines 28–35.

²⁷⁰ *SC de Cn. Pisone patre*, copy A, lines 160–1; *Act. fr. Arval.* (Pasoli (1950)), fr. 25 (AD 58), lines 10–11; fr. 34(g) (AD 69), lines 36–7; fr. 42 (AD 81), lines 28–9.

²⁷¹ *Sc de Cn. Pisone patre*, copy A, lines 162–5.

²⁷² *Act. fr. Arval.* fr. 45 (AD 86), lines 45–46; fr. 48 (AD 90), lines 40–1: 'custodierisque aeternitatem imperi, quod susci[piendo ampliavit]'.

²⁷³ *Assos decree*, *IGRom.* 4.251 lines 5–7.

²⁷⁴ As, for instance in the *elogium* of Plautius Silvanus, *ILS* 986 lines 21–6, where the phrase 'pacem | provinciae et confirmavit et protulit' should have read 'pacem provinciae confirmavit et fines protulit'; and in the *lex de flamonio provinciae* from Narbonne, *ILS* 6964 lines 3, 13–14, 15, 23 and 27–8.

the organisation of Arabia on a milestone.²⁷⁵ The contrast between Italy and the *provinciae*, already found in the Augustan *Res Gestae*, appears in Claudius' decree on the *cursus publicus*;²⁷⁶ and the phrase *transmarinae provinciae* is used in the decree of the senate following the death of Germanicus in AD 19, of the regions to which he had been sent as a proconsul.²⁷⁷

The patterns that we have seen in the usage of the words *imperium* and *provincia* in the period following the death of Augustus mirror the changes in the structure of power and in the management of the empire that Augustus had brought about. The most obvious is the use of *imperium* to mean the power and office of the emperor himself. Phrases such as the 'burden of the imperial office' (*onus imperii*)²⁷⁸ and its 'duties' (*munia imperii*),²⁷⁹ the uses of the phrase *dies imperii* of the date of entry into office by an emperor²⁸⁰ and various formulations to describe the associates of the emperor in office (*socius, adiutor, consors, collega imperii*)²⁸¹ all illustrate that the word *imperium* by itself can refer to the imperial power and function. This is an obvious feature of what I have called the 'post-Augustan' writers,²⁸² and it is the result of the Augustan process of fitting a monarchy into a republican structure. The way in which the word is used reflects the extent to which the changes Augustus had brought

²⁷⁵ *ILS* 5834, lines 6–7: redacta in formam | provinciae Arabia.

²⁷⁶ *Edictum Claudii de cursu publico*, *ILS* 214 lines 4–7 ('colonias et municipia non solum | Ita[lia]e verum etiam provinciarum'); compare Augustus, *Res Gestae* 25.

²⁷⁷ *Tabula Siarensis*, line 15: 'procos missus in transmarinas pro[vincias]'. This once again refers to eastern *provinciae*. See above, n. 29.

²⁷⁸ Seneca, *Dial.* 6.2.3. Compare Ovid, *Fast.* 1.616, who describes the work of the empire, which will come to Tiberius as Augustus' successor as *orbis onus*.

²⁷⁹ Tacitus, *Hist.* 1.77; 2.92; 4.86; *Ann.* 4.41.

²⁸⁰ Pliny, *Ep.* 10.52.1; Trajan, ap. Pliny, *Ep.* 10.53.1; 10.103.1; Suetonius, *Claud.* 27.2; 35.1; *Nero* 9.1; *Otho* 11.2; *Vit.* 12.1; *Tit.* 9.3.

²⁸¹ *socius imperii*: Tacitus, *Hist.* 2.83; *Ann.* 12.37; Pliny, *Pan.* 9.1; Suetonius, *Vit.* 14.1. *adiutor imperii*: Tacitus, *Ann.* 4.7; Suetonius, *Calig.* 26.1. *consors imperii*: Tacitus, *Hist.* 3.75; *Ann.* 14.11; Suetonius, *Otho* 8.1; *Tit.* 9.3. *collega imperii*: Tacitus, *Ann.* 1.3.

²⁸² Above, pp. 161 and 164.

about had become embedded in the language of writers and others in the century which followed his death.

The same is true of the uses of *imperium* with reference to the empire and of *provincia*. The reasons for the naming and assignment of *provinciae* in the Julio-Claudian period follow the Augustan pattern, and this indicates that *provincia* is thought of as the name of an administered area of the Roman Empire.²⁸³ The older notion of a command or military responsibility is often carried now by *imperium*, when applied to an individual pro-magistrate. The frequent reference to areas brought *in formam provinciae* (a form of words which, as we have seen, was part of the official vocabulary of inscriptions at least by the reign of Trajan)²⁸⁴ shows the same sense; and by the time that Ulpian wrote his work on the duties of a proconsul in the early third century such a *forma provinciae* apparently existed for all provinces and detailed the territory that was under the control of the governor (*praeses*) of each province.²⁸⁵ As with the power of the emperor, these usages indicate a crystallisation of the notion, already implicit in Augustus' time, of a *provincia* as an institution with norms of government. The tenure of the overseas *provinciae* was now no longer, as it had been in the day of the middle and late republic, an opportunity for the almost unfettered exercise of the commander's *imperium* but was mostly an exercise in civil administration, conducted in accordance with predetermined rules and under the eye of the emperor. There were, of course, still military operations in some of those *provinciae* entrusted to Caesar, but these were still more closely controlled. Most of the overseas *provinciae* were for the

²⁸³ See above, pp. 142–3. ²⁸⁴ See above, pp. 177–8.

²⁸⁵ Ulpian, *lib. decimo de off. procos.* (*Dig.* 48.22.7.1): 'in insulam relegare praesides provinciae possunt, sic tamen, ut, si quidem insulam sub se habeant (id est ad eius provinciae formam pertinentem, quam administrant), et eam specialiter insulam adsignare possint inque eam relegare.'

most part at peace, and their governance was in many ways more like the work of the magistrates within the city of Rome, transferred to a different setting, but one which was becoming increasingly Roman.

This does not mean that the older ideas of *imperium* had disappeared. Throughout the period there are still references to the *imperium* of the Romans as encompassing the entire world.²⁸⁶ There were also, however, recognitions of the existence of boundaries and limits to the extent of the *imperium*, whether temporary or permanent.²⁸⁷ In practice, as Tacitus knew well, the rivers which bounded the Germans to the west and south were frontiers, which the German tribes, unless they were especially favoured, could only pass unarmed and at a fee.²⁸⁸ It is highly probable that boundaries such as Hadrian's Wall were intended to control the movement of those outside them into the empire.²⁸⁹ It does not, of course, follow that the Romans had no intention of moving beyond these lines, but it does suggest that there was an entity within them that might be called (as indeed it was now called) a Roman Empire. The Roman world was of course not a single entity, and the frequent contrasts in the sources between the *provinciae* and Italy make that clear; but the distinction was becoming less sharp. Not only the increase in the use among provincials of things Roman but the granting of citizenship and of the Latin right, most notably the Flavian grant of the latter to the whole of Spain, is part of the background to this

²⁸⁶ For instance: Velleius, 2.131.1–2; Seneca, *Dial.* 4.15.5; Silius Italicus 5.676; Suetonius, *Jul.* 61.1. On this, and the continuing belief in Rome's worldwide rule, see Brunt (1990), 433–80. On the limits of this understanding, see Ando (2000), 320–35.

²⁸⁷ *Termini imperii*: Seneca, *Dial.* 10.4.5; *Q nat.* 1.pr.9; Pliny, *HN* 6.120; 7.117; Tacitus, *Germania* 29.3; *Ann.* 1.11. *Fines imperii*: Seneca, *Dial.* 12.10.3; Pliny, *HN* 12.19; Pliny, *Pan.* 54.4; *Ep.* 8.6.6; Tacitus, *Hist.* 4.48; Juvenal 8.265.

²⁸⁸ Tac. *Germ.* 41; *Hist.* 4.64.

²⁸⁹ Breeze and Dobson (2000), 15–16 and 29–43.

shift in outlook.²⁹⁰ What has changed as a result of Augustus and is seen in the evidence of the decades after him is the idea of what the empire was and how it related to the city which had made it, and whose citizens its inhabitants were becoming.²⁹¹ *Imperium* and *provincia*, having experienced a mid-life crisis which resulted in a distinct change of emphasis, seem by the early second century AD to have reached a mature middle age, and to have settled into a new career.

²⁹⁰ Woolf (1998); Richardson (1996), 179–230. On the development of the Roman empire as a unified entity, see especially Ando (2000).

²⁹¹ Such at least was the view of Aelius Aristides, εἰς Πρώμην 60–2.

Conclusion: imperial presuppositions and patterns of empire

It looks as if both of us
Met in the uniqueness of history a premise
That keeps us apart yet parallel,
The gap reducible only by language.

Louis MacNeice, *Memoranda to Horace* (1962)

This book has been an attempt to trace the historical development of the meanings and usage of two words, *imperium* and *provincia*, across the centuries in which Rome acquired and established power beyond the boundaries of Italy, becoming the mistress of a territorial empire which, in terms both of its geographical extent and of its longevity, was immense. Earlier in this book I likened this process to the construction of a biography, or more precisely of a pair of biographies of two closely related members of a family.¹ In this concluding chapter the detailed review of the life history of these two words will be drawn upon to see the shape of their ‘biographies’ and the differing ways in which the two words interrelate across the period; and then to assess the contribution of this pattern to the understanding of the ways in which the Romans thought about their empire.

¹ See above, pp. 57–8.

I

The evidence from the 'long second century', from the Hannibalic war down to the death of the dictator Sulla, though it is sparser than for the periods that follow, shows that within the constitutional and political sphere the primary meaning of *imperium* at that time was the power of the city magistrates, extended by decision of the senate and (probably) the assent of the people to pro-magistrates when necessary. The word had (and continued to have throughout the period examined) a range of other meanings, notably and most commonly that of an order, given by a superior to an inferior; and, as might be expected, of the power to issue such orders. It appears to be a word of general meaning which had a specific and technical sense within the context of the business of the republic; and in that context it related to the power of a magistrate or pro-magistrate. It could be used of the power of the Roman people, but in the second century this seems to be simply one instance of the general, non-technical sense rather than another technical meaning.² It is only in the first decades of the first century BC, in the *Rhetorica ad Herennium*, that the phrase *imperium populi Romani* first appears.³ *Provincia*, by contrast, is at this stage essentially technical, and means a task or responsibility allocated, normally by the senate, to a holder of *imperium*. The only occasions on which it means anything else are clearly dependent on the technical sense.⁴ At this point the two words are closely linked: *imperium* is more complex in its range of meaning, while *provincia* is related to just one of those meanings, that of the power of an individual who holds *imperium*.

In the last decades of the republic the range of meanings of *imperium* expands further. It retains the senses of 'order' and of

² See above, p. 43. ³ See above, p. 44. ⁴ See above, p. 51.

power in a more general sense, and (particularly in Cicero) the relation to the power of magistrates and pro-magistrates remains predominant in the technical, constitutional sphere. The usage of the word to relate to the Roman people, both its power over others⁵ and as a way of referring to the Roman state as a whole, in what might be regarded as *pars pro toto*⁶, is common in Cicero, and even found in the rhetorical language of diplomacy of the period.⁷ There is still, however, no sign of *imperium* being used for a territorial entity, and the only geographical language that is associated with it relates to the extent of Roman power, rather than of a landmass. The meanings of *provincia* also are extended. On the one hand, it is used (especially in Cicero) to refer to the people who inhabit the area controlled by a pro-magistrate, which seems to be connected to a heightened notion of the responsibility that the *imperium*-holder had for the wellbeing of the provincials; on the other, it sometimes carries the meaning of an area under the control of the *imperium populi Romani* in general rather than specifically or explicitly of an *imperium*-bearing magistrate or pro-magistrate.⁸ This mirrors both the emergence in the linguistic context of the term *imperium populi Romani* earlier in the first century and the change in the manner of creating *provinciae* in the aftermath of Pompeius' wars in the east.⁹ It also relates to the beginnings of the long process whereby the city magistracies were separated from the task of controlling and governing the *provinciae*, which began with Sulla's changes in the magistracies and was formalised, if only temporarily, by the passing of Pompeius' *lex de provinciis* in 52.¹⁰ The other significant new usage, which does not occur in Cicero but is found in the 40s in the writings of Caesar and his continuators, is of *provincia* as a set of institutions to which an area might be

⁵ See above, pp. 72–4. ⁶ See above, pp. 71–2. ⁷ See above, pp. 103–4.

⁸ In Cicero, see above, pp. 82–3; in Caesar, above, pp. 94–5.

⁹ Above, pp. 108–14. ¹⁰ Above, pp. 106–8.

subjected in order to make it a Roman 'province'.¹¹ In all of these cases *imperium* and *provincia* can be seen to be moving in parallel: the changes to the nature of the magistracies and pro-magistracies affect the *imperium* of those who hold it and thus of the *provinciae*; while the increased use of *imperium* as the power of the Roman people is followed by the increasing appearance of *provincia* in the sense of an area under the control of Rome as a whole, and thence of a set of institutional and administrative norms which characterise such an entity. The earlier sense of both words continues and (especially in Cicero) predominates, but new meanings and applications emerge.

It is not, however, until late in the reign of Augustus that the use of *imperium* as an entity, as opposed to a more abstract 'power', is found, and then it has two separate senses. Both *imperium* as an extent of territory and as the power of the *princeps* appear at this point, and probably the two are not disconnected. In both senses, *imperium* is focussed on an individual, and the effective concentration of power in the hands of that person as opposed to the multiple holders of *imperium* under the republic is likely to have made the unity of the Roman Empire more obvious. In the decades that followed not only were these senses more frequently present but the idea of the *provinciae* as Roman possessions which made up the empire (and distinct from Rome and Italy) becomes part of normal discourse. At the same time the understanding of a *provincia* as a piece of territory organised according to Roman norms becomes the usual sense of the word, as is seen in the increasing use of the phrase *forma* or *formula provinciae* to express the set of those norms.

That is not to say, of course, that the earlier senses of these words were lost in these later periods. The characteristics which each had shown when first we began to trace their 'biographies'

¹¹ See above, pp. 85 and 94–5.

are still observable in later life. *Imperium* can still be used in the second century AD of the power of an elected magistrate and the area of responsibility of a pro-magistrate is still his *provincia*, and some writers, especially in the Julio-Claudian period, use these words in ways which seem to be far more 'Ciceronian' than 'post-Augustan'; but the new and additional usages reveal that the empire was no longer seen in the same way as it had been in the mid first century BC, to say nothing of a century before that. This change was to an extent disguised by the conservatism of Roman political language. Though there was an immense diversity in the nature of the various *provinciae* and the way they were handled (whether because of their history and geography;¹² or because they were seen as part of the centre or the periphery of the empire;¹³ or because they were of a fundamentally different type, as with the *urbana provincia*) they were all, within the continuity of 'official' language described as *provinciae*. But, as we have seen, *provincia* is used in new ways, which reflect the new notions of Rome's imperial power.

II

It would be foolish to suggest that there was no Roman empire before the end of the reign of Augustus, when the use of *imperium* to mean 'empire' in a territorial sense can first be documented. The examination of the life and careers of *imperium* and *provincia* does, however, raise the question of just what that empire consisted of in the minds of contemporaries, and what they called it. Polybius famously stated at the beginning of his history that nearly the whole of the inhabited world fell under the single *archē* of the Romans in not

¹² Alcock (1993); Woolf (1998).

¹³ See the contributions to Webster and Cooper (1996) and Mattingly (1997).

quite fifty-three years.¹⁴ Even though *archē* here means 'power' or 'rule', which in the following century would have been translated by *imperium populi Romani*, there was, as we have seen, no comparable phrase for which there is evidence in Latin at the time when Polybius was writing.¹⁵ When Romans wanted to describe those over whom they exercised power in the late second and first centuries, they did so with a list, such as that found at the beginning of the *lex repetundarum* or Cicero's in the *Verrines*.¹⁶ Such lists included those within the *provinciae*, but also others who were not.

Is this evidence that, for Romans in the republican period, everyone was inside 'the empire', or simply that there was no notion of 'empire' and that all these peoples were 'foreigners' (*exterae nationes/gentes*)? From the standpoint of the Roman citizenship and the *ius civile*, the indigenous inhabitants of the *provinciae* were of the same status as those in the rest of the world: they were non-citizens, *peregrini*. As we have seen, Cicero uses the phrases *exterae nationes* and *exterae gentes* of those beyond Rome and Italy, but there is no distinction in the use of these phrases between those within and those outside the *provinciae*, or even between those who might be affected by the *imperium populi Romani* in the sense of the power of Rome, and those beyond it.¹⁷ In the second century BC and for much of the first, the way in which the senate and the structures of Roman government in general dealt with those who lived in the *provinciae* was not different from the way in which they dealt with foreigners and foreign powers. The *lex repetundarum* on the *Tabula Bembina*, listing those who were able to bring actions under the statute, mentions (so far as

¹⁴ Polybius 1.1.5: σχεδὸν ἅπαντα τὰ κατὰ τὴν οἰκουμένην οὐχ ὅλοις πεντήκοντα καὶ τρισὶν ἔτεσιν ὑπὸ μίαν ἀρχὴν ἔπεσε τὴν Ῥωμαίων.

¹⁵ See above, pp. 43 and 54.

¹⁶ *lex repetundarum* (RS no. 1), line 1; Cicero, 2 *Verr.* 5.168 (see above pp. 89–90).

¹⁷ See above, pp. 86–9.

we can tell) allies, Latins, *exterae nationes* and whoever comes within the discretion, sway, power or friendship of the Roman people, but it does not, in the surviving text, mention the *provinciae*.¹⁸ Indeed the only use of the word *provincia* in the inscription refers to the responsibility of the urban quaestor in charge of the treasury.¹⁹ The intention of the statute is to protect the interests not of provincials as those within a Roman Empire, but of those affected by holders of *imperium*. Similarly, although the senate had different ways of dealing with embassies from hostile and non-hostile peoples, there was no distinction between those within and those outside *provinciae*.²⁰ All were foreigners.

Although the meaning of *exterae gentes* and *nationes* as 'those beyond' Rome and Italy, irrespective of their living within or outside a *provincia*, continues in the post-Augustan period,²¹ there is a clear and growing sense of *provinciae* as being different from Italy. In Livy's account of the late third and second centuries, *Italia* often appears as the name of a *provincia*, usually of one or both of the consuls.²² In Cicero there are a few passages which not only distinguish

¹⁸ *Lex rep.* (RS no. 1), line 1: '[. . . quoi socium no]minisve Latini exterarumve nationum, quoive in arbitratu dicione potestate amicitia[e] populi Romani . . .]'.
¹⁹ *Lex rep.* (RS no. 1), line 68.

²⁰ See Polybius 35.2.4; Livy 30.21.12; 33.24.5; 45.22.2. Mommsen (1897–9), III.1152; Walbank (1957), 681 and (1979), 644.

²¹ There may be some differentiation between *exterae nationes*, which are usually inside *provinciae*, and *exterae gentes*, which is used more generally. *exterae nationes*: Vitruvius 2.1.4 (in *provinciae*); Quintilian 11.1.89 (in *provinciae*); Tacitus, *Dial.* 36.5 (in *provinciae*); Tacitus, *Ann.* 2.72 (in *provinciae*, probably; cf. *SC de Cn Pisone patre* (Eck, Caballos and Fernández (1996)), line 58, where *exterae gentes* are contrasted with the *populus Romanus*). *exterae gentes*: Manilius 1.898; 2.819; Velleius Paterculus 2.119.1; Valerius Maximus 1.pr.1; 2.pr.1; 2.2.3; 2.7.13; 4.3.13; 5.2.10; 7.6.pr; Columella 5.4.2; 9.9.5; Seneca, *Phoen.* 587; *Dial.* 11.15.3; *Ben.* 3.28.3; *Ep.* 104.30; Pliny, *HN* 22.2; 29.54; 33.11; Pliny, *Pan.* 59.3; Tacitus, *Hist.* 3.80; 4.12; *Ann.* 2.73; 3.33; 12.11; 14.11; Suetonius, *Jul.* 85.1. The sense is always, however, that these peoples are not Roman. On the lack of distinction between foreigners within and outside the empire at this period, see also Mattern (1999).

²² Livy 26.28.3–6; 27.7.7–14; 27.21.2; 27.22.2–7; 28.38.12–13; 30.27.1–4; 30.40.12; 31.6.1–2; 32.8.1; 32.8.3–4; 32.28.1–9; 33.22.3; 33.25.4–5; 33.25.10; 33.43.1–6; 34.43.3; 34.43.6–9; 35.20.2; 35.41.1–3; 36.1.6; 36.1.9; 42.31.1–2; 43.11.12; 43.12.1–2; 44.17.9.

between the *provinciae* and Italy in terms of where these two are located but also in a context which suggests that they are the subject areas of the *imperium populi Romani*.²³ In the *Res Gestae* the words *provincialis* and *provincia* are used to denote areas of the empire as distinct from Italy,²⁴ and as we have seen this usage becomes more and more frequent in decades which follow.²⁵

An interesting and instructive sidelight on this change and its consequences appears in the history of the right to extend the *pomerium*, the sacred boundary of the city of Rome.²⁶ Seneca, in the *De brevitate vitae*, mentions a pedantic antiquarian who wastes his time on the trivia of ancient history and produces statements packed with lies.²⁷ One of his pronouncements was that the dictator Sulla was the last of the Romans who had extended the *pomerium*, because the ancient practice had been that this could only be carried out when Italian land was acquired, not provincial.²⁸ As Miriam Griffin has pointed out in a discussion of the date of the *De brevitate vitae*, the pedant's conclusion is odd not only because he omits the extension made by the emperor Claudius, for which we have evidence of inscriptions as well as literary attestations, but also those of Augustus (which Tacitus records, though probably wrongly) and of Julius Caesar, which is

²³ For instance, Cicero, 2 *Cat.* 25; *Sull.* 42; *Flac.* 67; *Dom.* 147; *Mil.* 87; *Phil.* 13.42. Compare above, pp. 82–3.

²⁴ Augustus, *Res Gestae* 16; 25.

²⁵ Seneca, *Dial.* 6.3.1; *Edictum Claudii de cursu publico*, *ILS* 214, lines 4–7; Seneca, *Dial.* 10.13.8; Columella, 3.13.1; 3.14.2; 3.3.11; 4.1.5; 4.33.6; 5.4.1; 5.4.3; 5.8.5; 6.1.1; 11.2.61; Pliny, *HN* 3.31; 14.120; 14.13; 14.81; 16.19; 18.35; 19.47; 19.65; 26.5; 34.96; Frontinus, *Contr.* 6(T); Frontinus, *Str.* 4.3.15; Tacitus, *Dial.* 28.2; Pliny, *Ep.* 4.7.2; 9.23.2–3; Tacitus, *Hist.* 1.50; 4.17; 4.65; *Ann.* 2.35; 2.59; 3.33; 12.36; 13.4; 13.42; 15.45; 16.5; Suetonius, *Jul.* 28.1; 54.2; *Tib.* 38.1; *Claud.* 23.2; *Dom.* 7.2; *Vesp.* 9.2; *De gram. et rhet.* 30.6. See above, ch. 5.

²⁶ On the *pomerium* in general, see Beard, North and Price (1998), 1.177–81; and on its relation to the *imperium* of magistrates and pro-magistrates, Rüpkke (1990), 30–41.

²⁷ Seneca, *Dial.* 10.13.2–8.

²⁸ Seneca, *Dial.* 10.13.8: 'Sullam ultimum Romanorum protulisse pomerium, quod numquam provinciali sed Italico agro adquisito proferre moris apud antiquos fuit.'

mentioned by Dio and in a scholarly exposition by Aulus Gellius.²⁹ The reason for these omissions, as Mommsen had already seen,³⁰ must be that the pedant was arguing that originally the extension of the *pomerium* could only be made by someone who had increased the *ager Romanus*, which was confined to Italy.³¹ Sulla, as Gellius noted,³² had to argue for his assumption of a right previously used only by the kings. The arguments that Julius Caesar deployed are unknown, but it is clear that Claudius presented his conquest of Britain not as an extension of *ager Romanus* but as an increase of the *fines* of the Roman people.³³ This is surely, as Griffin argues, the pedant's reason for the exclusion of Claudius and presumably Julius Caesar from his list of extenders of the *pomerium*. It also illustrates the change noted above in the idea of what the empire was. The distinction between *ager Romanus* as the sacred heartland of the Roman people and the areas beyond which the Romans controlled by means of their *imperium* remained of interest to those concerned with Roman religion, and to scholarly pedants, but to the emperors and to the literate upper classes, such as Seneca and his readers, it had changed. There was indeed a difference between Rome and Italy on the one hand and the empire, the *provinciae*, on the other; but it was no longer that only the former were 'Roman land'.

If, in the words of a recent but classic analysis, 'empires are relationships of political control imposed by some political societies over

²⁹ Griffin (1962), 107–10. Claudius: *ILS* 213; Tacitus, *Ann.* 12.23; Gellius *NA* 13.14.7. Augustus: Tacitus, *Ann.* 12.23 (but not mentioned in the *Res Gestae* or in the *lex de imperio Vespasiani* (*RS* no. 39), lines 14–16). Julius Caesar: Cassius Dio 43.50.1; 44.49.2; Gellius, *NA* 13.14.4. On Tacitus' handling of Claudius' extension, see also Boatwright (1984).

³⁰ Mommsen (1897–9), II.738, III.734–5 (cf. II.152 and n. 2).

³¹ Gellius, *NA* 13.14.3: 'habebat autem ius proferendi pomerii, qui populum Romanum agro de hostibus capto auxerat.'

³² Gellius, *NA* 13.14.4: 'Sulla, qui proferundi pomerii titulum quaesivit'. Mommsen believed that his justification was that he had changed Pompeii from *ager peregrinus* into *ager publicus populi Romani* (Mommsen (1897–9), III.735, n. 1).

³³ *ILS* 213, lines 7–8: 'auctis populi Romani finibus pomerium ampliavit terminavitque.'

the effective sovereignty of other political societies' and 'imperialism . . . the process of establishing and maintaining an empire',³⁴ it is to be expected that the nature of Roman imperialism will have changed. Apart from the more obvious signs, such as the relative coherence of administration brought about by the predominance of the emperor and the development of what were in reality boundaries to the allegedly unrestricted *imperium*,³⁵ perhaps the most significant change relates to the language of annexation. As we have seen, in the second and earlier first centuries BC there was no process, either senatorial or other, which might be described as 'annexation'.³⁶ Cicero does not think in such terms,³⁷ though the actions of Pompeius in his reorganisation of the east after the defeat of Mithridates in the late 60s comes closer to it.³⁸ It is only with the use by Caesar and his continuators of the phrases *provincia facta* and *in provinciam redacta* that we hear of areas being 'turned into' *provinciae*.³⁹ In the post-Augustan period, writers, even when describing events in the mid-republic, refer to areas being brought into *formula* or *forma provinciae*, in contexts which make it clear that this means being subjected to the norms of Roman administrative practice and annexed to the Empire.⁴⁰ By the reign of Trajan at the latest, this is part of 'official' vocabulary.⁴¹

The question with which this investigation began was, 'What did the Romans think they were doing in the period in which they assembled and established their empire?' What we have seen, in the process of examining the meanings and usages of the words *imperium* and *provincia* from the earliest writings of the late third and second centuries BC down to those of the mid second century AD, is that

³⁴ Doyle (1986), 19. See above, pp. 2–3. ³⁵ Above, pp. 178–81.

³⁶ Above, pp. 23–5. ³⁷ Above, p. 85. ³⁸ Above, pp. 110–14.

³⁹ Above, pp. 94–5.

⁴⁰ So, especially, Velleius (above pp. 149–51); Tacitus (above, p. 171); Suetonius (above, p. 174).

⁴¹ See above, pp. 177–8.

there is no simple answer to such a question. On the one hand, contemporary writers use the words in different ways, which illuminate their own distinctive ideas as much as they reflect the subjects about which they write. Caesar and Cicero do not use *imperium* or *provincia* in the same fashion, nor do Velleius and Valerius Maximus. There are, however, patterns which emerge and which are related to the movement of history and the imperial development of Rome. It appears that between the mid second and the first centuries BC the use of *imperium* to refer explicitly to the power of the Roman people becomes much more frequent; and that by the end of the reign of Augustus both *imperium* and *provincia* have become words which can be used to speak of the Roman Empire as a territorial entity. The distinction between the beginning and the end of the period that has been examined is similar to that drawn in a subtle and thought-provoking article by Dietmar Kienast between *Weltherrschaftsgedänke* (ideas about world-domination) and *Reichsgedänke* (ideas about empire).⁴² What a Roman senator thought was going on as Rome expanded during the republic seems to have been the growth of Roman power and control of others, rather than of territory which was called 'Roman'; but by the early second century AD a similar Roman senator will have had no doubt that Trajan had increased the land area of the Roman Empire when Arabia was brought under the *forma provinciae*. This investigation of the way in which the Romans talked about the power that they held and the ways in which they regarded it makes possible an explanation of how the second set of ideas grew out of the first. It also helps with the elucidation of the problems of explaining 'Roman imperialism': the answer is that there was not one imperialism, but a series. Just

⁴² Kienast (1982), esp. 14. Compare also the observations on the change in the use of *imperium* of Koebner (1961), 4–11.

as there was a series of ideas about what the empire was, so those presuppositions about what they were doing led into a series of imperialisms, each with its own manifestation in terms of policy and activity. What Flaminius in Greece in the 190s or Ti. Sempronius Gracchus in Spain in the 170s BC thought he was doing was not the same as the ideas of Pompeius or Caesar or even Caius Verres; and these were notably different from the understanding of the growth of the *imperium Romanum* shown by the emperors Augustus, Claudius or Trajan.

To return to the taxonomy of empire, discussed at the beginning of this book,⁴³ the distinction between the sort of empire which the Romans were creating in the second century BC and that of the second century AD is that between power-by-conquest and power-as-possession. To put the point a different way, the power of Rome in the mid-republic was not like that of, say, the British Empire in the late nineteenth century, based in imperial possessions, but more like that of Greater Asante, the dominion exercised by the Asante ruler (the Asantehene) from his capital at Kumase in modern Ghana during the eighteenth and nineteenth centuries.⁴⁴ This consisted of an inner metropolitan area, which was the result of early conquests, and inner and outer provinces, at distances down the royal Great Roads, emanating from Kumase. The outer areas were the responsibility of officials based in the capital, but were run by the local rulers, and the extent of Greater Asante was determined by the recognition of orders coming from the centre, with ultimata being delivered by royal couriers, bearing the Golden Axe, part of the insignia of the Asantehene, whose court was known as the Golden Stool.

The reason I draw this parallel, apart from its intrinsic interest, is that it illustrates a pattern of imperial power which is in many ways

⁴³ Above, pp. 2–4. ⁴⁴ See Fynn (1971) and Wilks (1989) and (1992).

similar to that exercised by the Roman state in the first century of its overseas expansion. Moreover, the evidence of the sources from this period, and indeed the developments of the decades which followed down to the time of Augustus, show an understanding of imperial power (*imperium*) and of the functioning of that power through the *provinciae* of the magistrates and pro-magistrates which is strikingly like that of the Asante people at the time of their greatest dominance. In the Roman case, however, this is less than half the story. The change which took place as a result of the seizure of power by Augustus, and which had already been prepared for in the last years of the republic, was indeed enormous, not so much in the extent of the Roman control but in the conceptualising of what the Roman Empire was. It is notable that two modern writers on imperialism have identified Rome as the first example of a territorial empire in history⁴⁵ and the nature of the change wrought by Augustus as a model of the essential shift that empires have to make if they are to achieve longevity.⁴⁶ What the 'biographies' of the two words has provided is a tracer for a major change, not only in the history of Rome and its empire, but in the ways in which empires globally grow and develop.

⁴⁵ Mann (1986), 254–60. As will be clear, I think that, in placing this change c. 100 BC, he is anticipating the change by some decades.

⁴⁶ Doyle (1986), 135–7.

APPENDIX I

Cicero analysis

Note: In the tables which follow I have listed some of the meanings of *imperium* and *provincia* which are of particular importance for the discussion of Cicero's usages in chapter 3. These do not include all the occurrences of the two words, which are, however, included in the rows marked 'All'. It should also be noted that the same passage is sometimes counted in more than one row; for instance, *Pro Roscio Amerino* 50 contains an instance of *imperium* where the word is used to refer to the power of the people in the sense of the Roman 'state' in an imperial context and is paralleled with *nomen*, thus appearing in four rows in the table.

Cicero analysis

	<i>Inv.</i>	<i>Rosc.</i>	<i>Or.</i>	<i>Or.</i>	<i>Div.</i>	<i>Leg.</i>	<i>Or.</i>
	<i>rhet.</i>	<i>Quinct.</i>	<i>Am.</i>	<i>perd. 1</i>	<i>2 Verr.</i>	<i>Caec.</i>	<i>perd. 3</i>
	82 BC	82 BC	80 BC	75 BC	70 BC	70 BC	69 BC
<i>imperium</i> (magistrate's)		1	1	3	67		
<i>imperium</i> (people's)			2		19	1	
<i>imperium</i> (= state)			2		8		
<i>imperium</i> (geographic)							
<i>imperium</i> (power, gen.)	1				1		1
<i>imperium</i> (foreign)					4		2
<i>imperium</i> (<i>domicilium</i>)							
<i>imperium</i> (+ <i>nomen</i>)			1		8	1	1
<i>imperium</i> (<i>finēs</i> , etc.)							
<i>imperium</i> (imperial)			1		16		
All <i>imperium</i>	1	1	3	3	95	1	1
<i>provincia</i> (meton.)							
<i>provincia</i> (community)				1	76	13	
<i>provincia</i> (not geogr.)					2		
<i>provincialis</i>					3		
All <i>provincia</i>	1	2		1	7	19	1
					200		15
							7
							1

	Or.		Leg.		Rab.		Fam.		Arch.		Sull.		Att.		Or.		perd. 14		Att.		Fam.		Q Fr.	
	perd. 9	Cat.	agr.	63 BC	Mur.	63 BC	perd.	63 BC	62 BC	62 BC	62 BC	62 BC	61 BC	60 BC	61 BC	60 BC	perd. 14	61 BC	60 BC	60 BC	60 BC	60 BC	Q Fr.	60 BC
	64 BC	63 BC	63 BC	63 BC	63 BC	63 BC	63 BC	63 BC	62 BC	62 BC	62 BC	62 BC	61 BC	60 BC	61 BC	60 BC	61 BC	60 BC	60 BC	60 BC	60 BC	60 BC	Q Fr.	60 BC
<i>imperium</i> (magistrate's)		2	16	3	5						2					1					1		12	
<i>imperium</i> (people's)		8	11	8	2				1		6			1									2	
<i>imperium</i> (= state)		13	7	4	2				1		6			1								1		
<i>imperium</i> (geographic)																								
<i>imperium</i> (power, gen.)		1	3																					
<i>imperium</i> (foreign)																							3	
<i>imperium</i> (<i>domicilium</i>)		3	1								1													
<i>imperium</i> (+ <i>nomen</i>)		2	4	1																				
<i>imperium</i> (<i>fin</i> es, etc.)		1																						
<i>imperium</i> (imperial)		3	4	5	1				1		1			1									2	
All <i>imperium</i>		19	27	11	7				1		8			1		1							17	
<i>provincia</i> (meton.)											1													
<i>provincia</i> (community)	2			1											1								7	
<i>provincia</i> (not geogr.)				1					1															
<i>provincialis</i>		1		1										1									4	
All <i>provincia</i>	2	4	13	9					1		5			5			1		2				14	

	<i>Att.</i>	<i>QFr.</i>	<i>Flac.</i>	<i>Att.</i>	<i>Att.</i>	<i>Dom.</i>	<i>Post red.</i>		<i>Fam.</i>	<i>QFr.</i>	<i>Har.</i>	<i>Prov.</i>
	59 BC	59 BC	59 BC	58 BC	57 BC	57 BC	<i>ad pop.</i>	<i>ad sen.</i>	56 BC	56 BC	56 BC	56 BC
<i>imperium</i> (magistrate's)		I	4		I	7	I	5	5	I	4	3
<i>imperium</i> (people's)			5			7	2	I	I		7	II
<i>imperium</i> (= state)			3			6	2		I		6	5
<i>imperium</i> (geographic)			I									2
<i>imperium</i> (power, gen.)		I	I			I						
<i>imperium</i> (foreign)		I	I									
<i>imperium</i> (<i>domicilium</i>)												I
<i>imperium</i> (+ <i>nomen</i>)			3			I		I			2	
<i>imperium</i> (<i>fines</i> , etc.)												2
<i>imperium</i> (imperial)			4			4	I		I		I	IO
All <i>imperium</i>	I	2	I2		I	I4	3	5	5	I	II	I4
<i>provincia</i> (meton.)												
<i>provincia</i> (community)		I	5									I
<i>provincia</i> (not geogr.)												I
<i>provincialis</i>								I				I
All <i>provincia</i>		2	I3	3	I	IO	4	3	5	3	3	20
												3

	Or. perd 16 56 BC	Balb. 56 BC	Cael. 56 BC	Sest. 56 BC	Orat. 55 BC	Att. 54 BC	Fam. 54 BC	Planc. 54 BC	Rab. Post. 54 BC	Scaur. 54 BC	Fam. 53 BC	Or. perd 15 53 BC
<i>imperium</i> (magistrate's)		3		5	1	1	2	1	1	2		
<i>imperium</i> (people's)	2	9	3	14	4				2	1		1
<i>imperium</i> (= state)	1	7	2	13	4			1	1	1		
<i>imperium</i> (geographic)		1		1								1
<i>imperium</i> (power, gen.)				2	1							
<i>imperium</i> (foreign)												
<i>imperium</i> (<i>domicilium</i>)		1			1							
<i>imperium</i> (+ <i>nomen</i>)		3				1						
<i>imperium</i> (<i>finēs</i> , etc.)		2		1								
<i>imperium</i> (imperial)	1	9		4	2	2			1			1
All <i>imperium</i>	2	13	3	22	10	10	1	2	3	3		1
<i>provincia</i> (meton.)			2									
<i>provincia</i> (community)							1	1		3		
<i>provincia</i> (not geogr.)										1		
<i>provincialis</i>			1	2								
All <i>provincia</i>		2	3	15	2	29	2	6	7	2	6	1

<i>Part.</i>												
<i>or.</i>	<i>Rep.</i>	<i>Mil.</i>	<i>Att.</i>	<i>Fam.</i>	<i>Att.</i>	<i>Fam.</i>	<i>Att.</i>	<i>Fam.</i>	<i>Att.</i>	<i>Fam.</i>	<i>Fam.</i>	<i>Brut.</i>
52 BC	52 BC	52 BC	51 BC	51 BC	50 BC	50 BC	49 BC	49 BC	48 BC	47 BC	46 BC	46 BC
<i>imperium</i> (magistrate's)	14	1	2		9	5	4	2				2
<i>imperium</i> (people's)	3	2		1		2						
<i>imperium</i> (= state)	2			1		2						
<i>imperium</i> (geographic)	1	1										
<i>imperium</i> (power, gen.)	9											
<i>imperium</i> (foreign)	3											
<i>imperium</i> (domicilium)	1											
<i>imperium</i> (+ <i>nomen</i>)												1
<i>imperium</i> (<i>finis</i> , etc.)	1	1										
<i>imperium</i> (imperial)	2	2		1		2						
All <i>imperium</i>	31	3	2	2	9	7	4	2				2
<i>provincia</i> (meton.)												
<i>provincia</i> (community)			2	4	3	3						
<i>provincia</i> (not geogr.)				2								
<i>provincialis</i>				3	2	1		1			1	
All <i>provincia</i>		1	14	33	32	12	11	5		2		12

<i>Leg.</i>	<i>Orat.</i>	<i>Parad.</i>	<i>Lig.</i>	<i>Marcell.</i>	<i>Acad.</i>	<i>Att.</i>	<i>Fam.</i>	<i>Fin.</i>	<i>Nat. D.</i>	<i>Deiot.</i>	<i>Tusc.</i>	<i>Att.</i>
46 BC	46 BC	46 BC	46 BC	46 BC	45 BC	45 BC	45 BC	45 BC	45 BC	45 BC	45 BC	44 BC
5		3	3	1			1	7	2		3	1
<i>imperium</i> (magistrate's)												
<i>imperium</i> (people's)	1							2				
<i>imperium</i> (= state)			1					1		1		
<i>imperium</i> (geographic)												
<i>imperium</i> (power, gen.)	1							1			1	
<i>imperium</i> (foreign)												
<i>imperium</i> (<i>domicilium</i>)												
<i>imperium</i> (+ <i>nomen</i>)												
<i>imperium</i> (<i>fines</i> , etc.)												
<i>imperium</i> (imperial)			1									
8		3	4	1			1	9	2	1	4	1
<i>All imperium</i>												
<i>provincia</i> (meton.)								1				
<i>provincia</i> (community)	1				1							
<i>provincia</i> (not geogr.)												
<i>provincialis</i>												
2		3	9	1	1	2	1	2	2	2	2	7
<i>All provincia</i>												

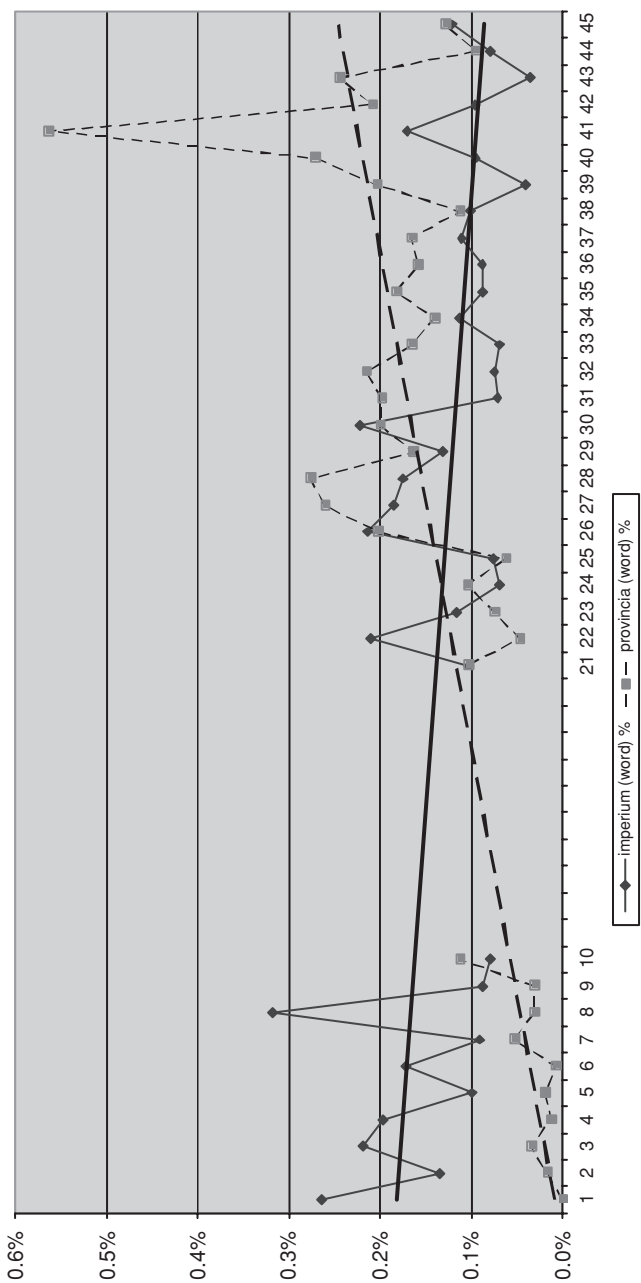
	<i>Fam.</i> 44 BC	<i>Amic.</i> 44 BC	<i>Div.</i> 44 BC	<i>Off.</i> 44 BC	<i>Sen.</i> 44 BC	<i>Phil.</i> 44 BC	<i>Tim.</i> 44 BC	<i>Ad Brut.</i> 43 BC	<i>Fam.</i> 43 BC	<i>Frag. ep.</i> 43 BC	<i>Phil.</i> 43 BC
<i>imperium</i> (magistrate's)	1	2	2	9	2	4			1		18
<i>imperium</i> (people's)		1	2	5		6					4
<i>imperium</i> (= state)		1	2	4		8		1			6
<i>imperium</i> (geographic)											
<i>imperium</i> (power, gen.)		1		5	1						
<i>imperium</i> (foreign)				1	1						
<i>imperium</i> (<i>domicilium</i>)											
<i>imperium</i> (+ <i>nomen</i>)						1			1		3
<i>imperium</i> (<i>finis</i> , etc.)						1					
<i>imperium</i> (imperial)				2		1					5
All <i>imperium</i>	1	4	4	22	5	12	1		1		25
<i>provincia</i> (meton.)											
<i>provincia</i> (community)						1					2
<i>provincia</i> (not geogr.)											
<i>provincialis</i>											
All <i>provincia</i>	6			3		20			3		28

Summary

	TOTAL	Letters	Letters %	Speeches		All speech %	Others	Others %	% of All
				(public)	(forens.)				
<i>imperium</i> (magistrate's)	286	48	16.8	72	25.2	108	37.8	58	20.3
<i>imperium</i> (people's)	174	7	4.0	65	37.4	75	43.1	27	15.5
<i>imperium</i> (= state)	147	7	4.8	69	46.9	52	35.4	19	12.9
<i>imperium</i> (geographic)	9	0	0.0	3	33.3	5	55.6	1	11.1
<i>imperium</i> (power, gen.)	37	4	10.8	7	18.9	5	13.5	21	56.8
<i>imperium</i> (foreign)	11	1	9.1	0	0.0	5	45.5	5	45.5
<i>imperium</i> (<i>domicilium</i>)	8	0	0.0	5	62.5	2	25.0	1	12.5
<i>imperium</i> (+ <i>nomen</i>)	38	1	2.6	16	42.1	18	47.4	3	7.9
<i>imperium</i> (<i>finēs</i> , etc.)	10	0	0.0	4	40.0	4	40.0	2	20.0
<i>imperium</i> (imperial)	99	7	7.1	38	38.4	43	43.4	11	11.1
All <i>imperium</i>	545	60	11.0	169	31.0	195	35.8	121	22.2
<i>provincia</i> (meton.)	5	1	20.0	0	0.0	3	60.0	1	20.0
<i>provincia</i> (community)	130	21	16.2	7	5.4	99	76.2	3	2.3
<i>provincia</i> (not geogr.)	8	3	37.5	0	0.0	4	50.0	1	12.5
<i>provincialis</i>	24	13	54.2	2	8.3	7	29.2	2	8.3
All <i>provincia</i>	672	180	26.8	165	24.6	295	43.9	32	4.8

APPENDIX 2

Livy (occurrences as percentage
of total words)



APPENDIX 3

Imperium and *provincia* in legal writers

There is one rich source of uses of the words *imperium* and *provincia* which has been used only in passing in the main sections of this book, and that is the legal sources. The authors, whose writings were excerpted on the orders of the emperor Justinian in the sixth century AD and gathered together into the *Digest* in the process of producing a manageable account of the law, are of undoubted value in any attempt to understand the workings of the structures of the Roman world and of the mentalities which underlay it. There are, however, three particular problems in the use of the *Digest* when trying to discover patterns of word-usage from the late third century BC through to the mid second century AD. The most obvious difficulty is that the majority of the citations in the *Digest* are from writers from the late second and early third centuries AD, such as Ulpian, Paul and Papinian, who are, properly speaking, outside the limits of the already somewhat lengthy period covered by this book. Secondly the citations in the *Digest* are short and thus sometimes lack context. Perhaps more important, however, is the uncertainty as to the content of the citations, since the collection was edited and interpolated by the compilers on the instructions of the emperor, in order to make the sense clear and bring the material up to

date.¹ The extent of these interpolations has been a matter of dispute among scholars for over a century, but there is no doubt that there has been some considerable editorial work.² The uncertainty that this creates adds to the problems always present in determining exactly what an ancient author wrote and requires extra care when tracing the usage of particular words.

That said, there is good reason to look at the evidence of the legal writers, and in one case some of the problems outlined above do not apply. The only work by a legal writer to have survived *in extenso*, if not *in toto*, is Gaius' *Institutes*, a text book for students which was probably completed in the 160s, and of which a manuscript was discovered in a palimpsest in Verona in 1816.³ In the analysis which follows, I shall look first at Gaius' usage and then at that of the other writers from the *Digest*.

The word *imperium* appears thirteen times in Gaius' *Institutes*.⁴ Once it refers to the power of the emperor, explaining that the emperor's edicts are a source of law because he has received his *imperium* through a statute,⁵ and once of the power of the Roman people, in a passage on the mistreatment of slaves, which is not permitted within communities *sub imperio populi Romani*.⁶ The remaining eleven uses all refer to the power of a magistrate, two with regard to the process of adoption⁷ and nine distinguishing courts which derive their validity from the power of the presiding magistrate (*iudicia imperio continentia*) from those based on a *lex* (*iudicia legitima*).⁸ It is clear from this that the way in which Gaius uses the word is consonant with the usages found in other writers in the

¹ Justinian, *Const. Deo auctore* 7. ² See Johnston (1989). ³ Honoré (1962).

⁴ Gaius, *Inst.* 1.5; 1.53; 1.98; 1.99; 3.181 (twice); 4.80; 4.103; 4.105 (three times); 4.106; 4.109.

⁵ 1.5. ⁶ 1.53 (= *Dig.* 1.6.1.2). ⁷ 1.98 and 99 (= *Dig.* 1.7.2.pr).

⁸ 3.181 (twice); 4.80; 4.103; 4.105 (three times); 4.106; 4.109.

late first and second centuries, though with a predominance on the magistrates' *imperium*, which is the result of his subject matter. In the exposition of the Roman civil law, it is of course the power of the magistrates who presided over the courts which was the primary focus.

In the *Digest* the word *imperium* is found on fifty-one occasions (omitting the two passages which report citations from Gaius' *Institutes*).⁹ These cover writers from Labeo in the Augustan period to Marcian and Modestinus, probably active in the 220s AD. The majority are from the great authorities of the Severan period, Ulpian (twenty-two)¹⁰ and Paulus (eleven).¹¹ All but one of Paulus' uses are of the power of individual magistrates, the exception being a passage in which he states that the *SC Apronianum* ordered that estates left under trust (*fideicomissa*) could and ought to be transferred to cities which were under the *imperium* of the Roman people.¹² Ulpian also uses the word most often (eighteen times) of individual magistrates, including the *praefectus Aegypti*, whom he treats as a quasi-magistrate.¹³ He uses it twice of the power of the emperor, in a famous passage in which he states that what the emperor decides has the force of law.¹⁴ In one passage, in which he announces proudly that his own native city of Tyre was awarded the *ius Italicum* because of

⁹ *Dig.* 1.6.1.2 and 1.7.2.pr.

¹⁰ *Dig.* 1.4.1.pr (twice); 1.16.8.pr; 1.16.16.pr; 1.17.1.pr; 1.18.4.pr; 2.1.3.pr (three times); 2.1.4.pr; 2.4.2.pr; 2.14.7.14; 4.6.26.2; 4.8.3.3; 26.1.6.2; 36.1.13.4; 47.10.32.pr; 48.4.1.1; 48.6.7.pr; 48.6.10.pr; 50.15.1.pr; 50.17.4.pr.

¹¹ *Dig.* 1.1.11.pr; 1.18.3.pr (twice); 1.21.5.1; 4.8.4.pr; 5.1.12.1; 5.1.58.pr; 36.1.27.pr; 40.1.14.1; 48.13.11.6; 50.1.26.1.

¹² *Dig.* 36.1.27.pr.

¹³ *Dig.* 1.16.8.pr; 1.16.16.pr; 1.17.1.pr (*praefectus Aegypti*); 1.18.4.pr; 2.1.3.pr (three times); 2.1.4.pr; 2.4.2.pr; 2.14.7.14; 4.6.26.2; 4.8.3.3; 26.1.6.2; 36.1.13.4; 47.10.32.pr; 48.4.1.1; 48.6.7.pr; 48.6.10.pr.

¹⁴ *Dig.* 1.4.1.pr: 'quod principi placuit, legis habet vigorem: utpote cum lege regia, quae de imperio eius lata est, populus ei et in eum omne suum imperium et potestatem conferat.'

its outstanding loyalty to the *res publica* and the *imperium Romanum*, the word has the sense of the imperial state that was the Roman Empire.¹⁵ In one other place, he uses it in a general sense, of the power of a father or a master of slaves.¹⁶

There are twelve other occurrences of the word in other writers in the *Digest*, which show the same range of meanings.¹⁷ Most are of the *imperium* of magistrates or pro-magistrates, including a *legatus Caesaris*.¹⁸ In another, more generalised, passage Marcian writes of the *imperium* of whoever has the power (*potestas*) of ordering.¹⁹ The other three occurrences are all references to the power of the Roman people, though the context makes it clear that the sense is different in each case. Marcian, writing in the third century AD, refers to the provisions of the *lex Iulia maiestatis* of Augustus in relation to anyone who shall have deserted the army or the *imperium* of the Roman people.²⁰ This does not appear to mean a geographical empire, but either the Roman state or the orders of the Roman people. Celsus, in the Hadrianic period, defines those parts of the shoreline where the *populus Romanus* has *imperium* as belonging to the Roman people. This clearly means the power of the Roman people.²¹ The earliest of the three examples is from Labeo, writing in the Augustan

¹⁵ *Dig.* 50.15.1.pr: 'huic enim divus Severus et imperator noster ob egregiam in rem publicam imperiumque Romanum insignem fidem ius Italicum dedit'.

¹⁶ *Dig.* 50.17.4.pr: 'velle non creditur, qui obsequitur imperio patris vel domini.'

¹⁷ *Dig.* 1.18.20.pr (Papinian); 1.21.1.1 (Papinian); 1.21.3.pr (Julian); 42.1.14.pr (Celsus); 43.8.3.1 (Celsus); 43.8.7.pr (Julian); 44.7.27.pr (Papinian); 48.4.3.pr (Marcian); 49.15.30.pr (Labeo); 50.16.214.pr (Marcian); 50.16.239.3 (Pomponius); 50.17.199.pr (Modestinus).

¹⁸ *Dig.* 1.18.20.pr (Papinian) (of a *legatus Caesaris*); 1.21.1.1 (Papinian); 1.21.3.pr (Julian); 42.1.14.pr (Celsus); 43.8.7.pr (Julian); 44.7.27.pr (Papinian); 50.16.239.3 (Pomponius); 50.17.199.pr (Modestinus).

¹⁹ *Dig.* 50.16.214.pr: "'Munus" proprie est, quod necessarie obimus lege more imperiove eius, qui iubendi habet potestatem.'

²⁰ *Dig.* 48.4.3.pr (Marcian): 'quive imperium exercitumve populi Romani deseruerit.'

²¹ *Dig.* 43.8.3.1 (Celsus): 'Litora, in quae populus Romanus imperium habet, populi Romani esse arbitror.'

period, who states, in an account of *postliminium*, that any piece of property capable of escaping from the enemy (that is to say, a slave) who comes within *finis imperii nostri* is to be regarded as having returned under the right of *postliminium*.²²

²² *Dig.* 49.15.30.pr (Labeo): ‘simul atque ad nos redeundi causa profugit ab hostibus et intra finis imperii nostri esse coepit, postliminio redisse existimandum est.’

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